

Report to Planning Committee

Application Number:	2016/1264
Location:	Adjacent 1 Greys Road Woodthorpe Nottinghamshire
Proposal:	Proposed two storey house & single storey extension connected by a lobby
Applicant:	Mr & Mrs Ron & Julie Spence
Agent:	Plan Ahead
Case Officer:	Cristina Dinescu

Background

The application is being referred to the Planning Committee at the request of the Delegated Members Panel.

Site Description

The application site, land adjacent to no.1 Greys Road, is part of the plot currently being occupied by an end of terrace two-storey dwelling. A detached brick garage that serves no.1 Greys Road is present on the application site, adjoining the south side boundary.

Adjoining properties are comprised of the end of terrace dwelling at no.1 Greys Road on the north side, a semi-detached property at no.25 Maitland Road on the south side and detached property to the rear at no.6 Hills Road.

The adjoining terraced properties at no's 1, 3 and 5 Greys Road occupy narrow plots with limited rear gardens and deep front gardens. These properties are finished in white render and have dual pitched roofs.

The properties on Maitland Road are finished in render and red brick and have large rear gardens.

On the south side shared boundary there is a stone retaining wall separating the application site from the adjoining property at no.25 Maitland Road and 2 Hills Road. The wall increases in height from front to rear, varying between 1-3 metres, leaving the application site in a lower position than the rear garden of the adjoining properties.

Mature trees and hedges are present within the neighbouring properties.

The existing detached garage has dual pitched roof with front and rear gables and is accessed via a driveway off Greys Road. It is set adjacent to the stone wall at approximately 30 metres from the highway boundary.

Relevant Planning History

No relevant planning history.

Proposed Development

The proposal seeks Planning Permission to demolish the existing detached garage and construct a three bedroom dwelling comprising a two-storey element at the front linked through a glazed lobby to a single storey element at the rear.

The two-storey element at the front would be set back from the highway boundary by approximately 27.5m and it would be set in line with the existing dwelling at 1 Greys Road. It would have dual pitched roof with a half hipped element on the front gable. This element would have maximum footprint dimensions of 10.0m in depth by 5.85m in width, would measure 4.5m at eaves height and 7.6m at ridge height from ground level. It would comprise one bedroom with dressing and en-suite, lobby and lounge at ground floor, and study, two bedrooms and bathroom at first floor. High level roof lights would serve the study. The proposed finishes to the elevations are render at ground floor and timber cladding at first floor. Windows are shown on all elevations.

The single storey element to the rear would have dual pitched roof and would accommodate an open plan kitchen / dining area and a utility room. It would have maximum footprint dimensions of 7.7m in depth by 4.8m in width, would measure 2.3m at eaves height and 5.1m at ridge height. The proposed finish would be white painted re-used brick from the existing garage. Windows are shown on all elevations except the one facing the stone wall. Two high level roof lights would serve the kitchen facing towards the adjoining property at no.25 Maitland Road.

The glazed link between the two elements of the unit would measure 2.0m in depth, 3.2m in width, 4.8m at ridge height and 2.2m at eaves height from ground level.

2 off-street parking spaces are proposed at the front of the proposed dwelling and one parking space is proposed immediately behind the existing hedge, on the right hand side of the application site for the existing dwelling at no.1 Greys Road.

A Design and Access Statement has been submitted in support of the application.

Consultations

The Highways Authority – No concerns to the proposal subject to conditions.

The Arboricultural Officer – satisfied that trees on site and neighbouring trees would not be directly/indirectly affected by the proposed works.

Adjoining Neighbours have been notified and a Site Notice was posted and 10 letters of representation were received as a result. The concerns raised can be outlined as follows:

- Not in keeping with the countryside “feel”;

- Adjoining properties no's 3 and 5 Greys Road are not shown on the plans;
- The stability of the existing retaining wall would be affected by the demolition of the garage;
- No drainage or provision for excavation for drainage proposed;
- The proposed gap between the new dwelling and the existing retaining wall is too small;
- Bird species, bats, foxes and squirrels have been spotted in the area;
- Neighbouring trees have been omitted from the plans;
- Noise and disruption during demolition and construction works;
- Discrepancies in the plans submitted and the application form;
- Works have started;
- Overlooking and overbearing impact;
- Impact on neighbouring trees;
- Would change the nature of the driveway;
- The garden area would be reduced as a result;
- Several Construction Regulations listed;
- The historic value of the three cottages would be reduced;
- Not in keeping with the character of the area;
- Over-development of the site;
- Detrimental visual impact;
- Impact on residential amenity;
- Overshadowing;
- A bat survey should be undertaken;
- No protected species survey;
- No tree survey submitted;
- Unacceptable size of rear garden;
- Absence of details regarding parking provision;
- No details regarding boundary treatment;
- Dangerous access.

Following submission of revised drawings residents have been re-consulted and 6 letters of representation were received as a result:

- The revised drawings still show errors;
- The demolition of the stable could destabilise the retaining wall;
- Ill-conceived and misleading planning application;
- Previous concerns still stand;
- Facts regarding the style and importance of the stable, now garage;
- Overlooking, overbearing and overshadowing impact;
- Negative impact on pedestrian and road traffic safety;
- Excavation works could affect the roots of a large silver birch tree;
- The old stable is a bat roost and its demolition would destroy their habitat; a survey should be carried out;
- Not in keeping with the character of the area;
- Overdevelopment of the site.

Planning Considerations

The main planning considerations in the determination of this application are the principle of the development, the scale and design of the proposed dwelling, the impact on the appearance of the site and the wider area, any undue impacts on the

amenity of neighbouring properties, any highway safety implications and off-street parking provision.

At national level the National Planning Policy Framework (March 2012) chapters 6 and 7 are relevant in considering this application: -

- 6. Delivering a wide choice of high quality homes (paragraphs 47 – 55)
- 7. Requiring good design (paragraphs 56 – 68)

Gedling Borough Council at its meeting on 10th September approved the Aligned Core Strategy (ACS) for Gedling Borough (September 2014) which is now part of the development plan for the area. The following policies are relevant: -

- Policy 8 - Housing size, mix and choice; and
- Policy 10 - Design and Enhancing Local Identity.

Appendix E of the ACS refers to the Saved Policies from Adopted Local Plans. The following policies contained within the Gedling Borough Council Replacement Local Plan (Certain Policies Saved) 2014 are relevant: -

- ENV1 (Development Criteria);
- H7 (Residential Development on Unidentified Sites Within the Urban area and Defined Village Envelopes).

The Government attaches great importance to the design of the built environment. Section 7 of NPPF states inter alia that good design is a key aspect of sustainable development and that it should contribute positively to making places better for people. Developments should function well and add to the overall quality of the area, respond to local character and history, reflecting the identity of local surroundings and materials and be visually attractive as a result of good architecture and appropriate landscaping.

Policy 10 – 1 of the ACS states inter-alia that development should be designed to:

- a) make a positive contribution to the public realm and the sense of place;
- b) create attractive, safe, inclusive and healthy environment;
- c) reinforce valued local characteristics;
- d) be adaptable to meet changing needs of occupiers and the effects of climate change; and
- e) reflect the need to reduce the dominance of motor vehicles.

Policy 10 – 2 of the ACS sets out the criteria that development will be assessed including: - plot sizes, orientation, positioning, massing, scale, and proportion. Criterion f) of the ACS refers to the impact on the amenity of nearby residents.

Criterion a., c. and d. of Policy ENV1 of the Replacement Local Plan are also relevant in this instance. These state that planning permission will be granted for development provided it is in accordance with other Local Plan policies and that proposals are, amongst other things, of a high standard of design which have regard to the appearance of the area and do not adversely affect the area by reason of their scale, bulk, form, layout or materials. Development proposals should include adequate provisions for the safe and convenient access and circulation of

pedestrians and vehicles and incorporate crime prevention measures in the design and layout.

Design and layout are also considered in criterion a. and b. of Policy H7 of the Replacement Local Plan. These policies state inter alia that permission will be granted for residential development, including conversions and the change of use of buildings to residential use within the urban area and the defined village envelopes provided it is of a high standard of design and does not adversely affect the area by reason of its scale, bulk, form, layout or materials and that it would not result in the loss of buildings or other features including open space which make an important contribution to the appearance of the area.

In respect to car parking, regards should be had to the Borough Council's Supplementary Planning Document 'Parking Provision for Residential Developments' (May 2012).

Principle of development

I note the proposal is for a new dwelling within the residential curtilage of an existing dwelling, in the built up area of Woodthorpe where there are no objections in principle to residential developments.

I note that one of the core planning principles of the NPPF is to encourage the effective use of land that has been previously developed (brownfield land), provided it is not of high environmental value.

The NPPF's definition of brown field land is 'previously developed land that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface or surface infrastructure.' This excludes 'land in built-up areas such as private residential gardens.' This advice is reflected in the ACS Policy 10 – 3.10.4 which goes on to state:

'Although now considered to be greenfield sites, gardens can provide sustainable locations for new homes, and reduce the need to develop land within Green Belt and or the countryside. However, it can also change the characteristics of areas, and may damage biodiversity. In accordance with this policy and the NPPF, subsequent Local Development Documents may seek to restrict development to avoid areas of special character and to protect the amenity value of private gardens.'

I note that the application site is not in not in an area of special character or specific ecological or landscape character.

I note the changes in guidance in relation to the definition of garden land, which is no longer considered to be brownfield land. Whilst I note the change in definition, I do not consider that paragraph 3.10.4 of the ACS precludes development on such sites. The key aspects that need to be considered are whether the proposed development would be in a sustainable location, would adversely affect the characteristics of the area or damage biodiversity. I do not consider that biodiversity is an issue in this instance given that the development would not impact on mature vegetation and would be located predominantly in the location of existing buildings and hardstanding. In my opinion the development would be in a sustainable location given its location within a built up area and its proximity to services. The

development of the site in my opinion is therefore acceptable in principle and would accord with Policy 10 of the ACS subject to the design of the proposal being in keeping with the characteristics of the area, which is considered in more detail below.

Design and Layout

I note that adjoining properties are comprised of two-storey dwellings whether in terrace formation, semi-detached or detached with varying plot sizes. The submitted drawings show that the proposed dwelling would be set in line with the adjoining dwelling at no.1 Greys Road and the ridge line would reflect the same height as the adjoining row of terraced dwellings. I also note the proposed design incorporates features found in the design of properties in the area like a dual pitched roof; brick arched lintels and render finish.

Greys Road is defined by a mixture of architectural styles including semi-detached dwellings, detached bungalows and more modern detached dwellings. Whilst I note the proposal includes timber cladding as an external finish on the first floor of the two-storey element of the dwelling, I consider the introduction of this design feature would not be harmful to the character of the area. I am satisfied, as the proposed dwelling would be set back from the highway boundary, in line with the existing terraced dwellings at no's 1, 3 and 5 Greys Road, the proposal would be visually acceptable in the streetscene and would be in keeping with the scale and size of existing dwellings in the area.

I am mindful about the comments received with regards to the over-development of the site, however, I note that the surrounding area is characterised by a mixture of properties on various plot sizes. It is my opinion that the plot width and depth is sufficient to accommodate a dwelling of the size proposed without appearing cramped or over intensive. I am also of the opinion the proposed residential plot would be in keeping with the character of the area.

I note that the amenity area to no.1 Greys Road has already been reduced using Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2016 for means of enclosure. Whilst the resulting rear amenity area serving this dwelling is now limited it does benefit from a large amenity area to the front, due to being set back considerably from the adjoining highway. I am therefore satisfied that no.1 Greys Road would have sufficient curtilage to adequately serve as private amenity.

I note the comments with regards to the lack of details regarding proposed means of enclosure. However, precise details on means of enclosure would be sought by attaching a condition to any approval.

Neighbouring Amenity

I note the proposal is for a two-storey dwelling with a single storey element at the rear. I am mindful that the adjoining properties on Maitland Road and Hills Road sit in a higher position. I am satisfied, given the significant difference in level between the application site and adjoining properties, the plot orientation and separation distances, the proposed dwelling would not result in a significant overlooking, overbearing and overshadowing impact on any adjoining property. Furthermore I am

of the opinion the properties on Maitland Road and Hills Road, due to the application site being in an approximately 2.0m lower position with no windows on the side elevations, would have an acceptable relationship with the first floor of the proposed dwelling.

Given the plot orientation and the configuration of the proposed dwelling in relation to the existing dwelling at no.1 Greys Road, I am of the opinion the proposal would not result in a significant undue overlooking, overbearing and overshadowing impact on this adjoining property and its amenity. I would recommend however a condition be attached, should planning permission be forthcoming, requiring the first floor window serving the bathroom on the side elevation to be obscurely glazed and top opening only in order to prevent an overlooking impact onto no.1 Greys Road.

I note the comments with regards to the proposed roof lights on the southern slope of the proposed roof, however, I am satisfied these roof lights would not result in an undue overlooking impact on adjoining property due to the roof lights being set at approximately 1.7 metres above floor level. I consider this height would be sufficient to mitigate any undue overlooking impact on neighbouring dwellings.

Highway Safety

I note the plans illustrate that the proposed dwelling and the existing dwelling at no.1 Greys Road would utilise the existing access point together with the existing driveway. I also note that parking for one car is proposed for the existing dwelling and a hardstanding area at the front of the proposed dwelling would accommodate 2 cars. Given that the Residential Car Parking SPD requires new dwellings with 3 bedrooms or more in built up areas to have provision for 2 off-street parking spaces, I am of the opinion the proposal would comply with the requirements of paragraph 4.2 of the Borough Councils parking SPD. I am also of the opinion the proposal for one parking space for the existing dwelling at no.1 Greys Road is satisfactory to comply with the requirements of the SPD for a 2 bedroom dwelling in built up area.

I am mindful that the Highway Authority have raised no objection to the proposal subject to conditions, I therefore consider there would be no highway safety implications as a result of the development.

Trees and Vegetation

I am mindful about the comments received from neighbours regarding the impact on existing neighbouring trees. However, the Arboricultural Officer has advised that the proposed development would not directly or indirectly impact on trees on the site or neighbouring trees. I am therefore satisfied the existing trees on site and in neighbouring properties would not be adversely affected by the proposed development.

Other Considerations

I note the comments received from adjoining neighbours with regards to the stability of the stone wall and excavations, however matters dealing with structural integrity would be dealt with under Building Regulations.

I note the comments received with regards to drainage; however, should planning permission be forthcoming a condition would be attached to any approval requesting detailed drainage plans to be submitted to the Borough Council for approval and these matters would be dealt with in consultation with Severn Trent Water through the Discharge of Condition process.

I am mindful about the comments regarding the presence of bats in the area which are potentially roosting in the existing garage, proposed to be demolished. However, the building is still in use and is located in an urban area. Therefore I consider an informative, advising the applicant to contact the Bat Conservation Trust in the event that bats are found during demolition, would be sufficient to deal with this matter in this instance.

I note the comments with regards to the historic importance of the garage and the cottages; however the garage and cottages are not Listed Buildings and are not within a Conservation Area with any statutory protection as heritage assets. I am therefore satisfied that the redevelopment of the garage would not have an adverse impact on the heritage of the area or the character of the area. I would also note that there are examples of more contemporary dwellings on the opposite side of Greys Road and in my opinion the dwelling as proposed would add to the architectural mix of the area.

Conclusion

Having regard to the above considerations I am of the opinion that the proposal is in accordance with Policy 8 (Housing Size, Mix and Choice) and Policy 10 (Design and Enhancing Local Identity) of the Aligned Core Strategy 2014 and Saved Policy ENV1 (Development Criteria) and Policy H7 (Residential Development on Unidentified Sites Within the Urban area and Defined Village Envelopes) of the Gedling Borough Replacement Local Plan and advice contained within the National Planning Policy Framework 2012.

Accordingly I recommend that planning permission be granted.

Recommendation:

To Grant Planning Permission, subject to the following conditions:-

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development shall be carried out in accordance with the application form, site location plan and Design and Access Statement, received on 5th December 2016, e-mail received on 11th January 2017, and revised plans, drawing no's RS 100-04 rev A, RS 100-03 rev A, RS 100-01 rev A and RS 100-02 rev A, received on 13th January 2017.
3. The dwelling shall not be occupied until the shared private driveway is laid out to a width of not less than 5.25m in width.

4. The dwelling shall not be occupied until the dropped vehicular footway crossing has been widened and is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Borough Council.
5. The dwelling shall not be occupied until the driveway/ turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.
6. The bathroom window to the first floor north elevation facing no.1 Greys Road shall be obscurely glazed to a minimum of Pilkington Level 4. Any opening unit shall be top hung.
7. Before development is commenced there shall be submitted to and approved in writing by the Borough Council precise details of the materials to be used in the external elevations of the development. Once approved the development shall be carried out in accordance with these details.
8. Before development is commenced there shall be submitted to and approved by the Borough Council details of the means of enclosure of the site. The approved means of enclosure shall be erected before the dwellings are first occupied and shall thereafter be retained unless alternative means of enclosure are agreed in writing by the Borough Council.
9. Before development is commenced there shall be submitted to and approved by the Borough Council details of the means of surfacing of the unbuilt on portions of the site. The approved means of surfacing shall be erected before the dwelling is first occupied.
10. Before development is commenced there shall be submitted to and approved in writing by the Borough Council a landscape plan of the site showing the position, type and planting size of all trees and shrubs proposed to be planted. The approved details shall be carried out in the first planting season following the substantial completion of the development and any planting material which becomes diseased or dies within five years of the completion of the development shall be replaced in the next planting season by the applicants or their successors in title.
11. Before development commences drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and shall be retained for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. For the avoidance of doubt.
3. To enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general Highway safety.
4. In the interests of Highway safety.
5. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
6. To ensure the details of the development area satisfactory, in accordance with the aims of Policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).
7. To ensure the details of the development are satisfactory, in accordance with the aims of Policy 10 of the Aligned Core Strategy (September 2014).
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11. To ensure that the development is provided with satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Reasons for Decision

In the opinion of the Borough Council the proposed development is of an acceptable size and design in this setting and would have no significant undue impacts on the visual appearance of the streetscene or on neighbouring amenity and there are no highway safety implications. The proposal therefore accords with Policy 8 (Housing Size, Mix and Choice) and Policy 10 (Design and Enhancing Local Identity) of the Aligned Core Strategy (September 2014), Saved Policy ENV1 (Development Criteria) and Policy H7 (Residential Development on Unidentified Sites Within the Urban area and Defined Village Envelopes) of the Gedling Borough Replacement Local Plan, advice contained within the National Planning Policy Framework 2012, and the Parking Provision for Residential developments SPD (2012).

Notes to Applicant

Positive and Proactive Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers and/or address concerns raised by letters of representation submitted in connection

with the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

The proposal makes it necessary to widen the vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services to arrange for these works on telephone 0300 500 80 80 to arrange for these works to be carried out.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

Should any bat/s be found during construction / demolition, work must stop immediately. If the bat/s does not voluntarily fly out, the aperture is to be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. The Bat Conservation Trust should be contacted immediately on (0845) 1300228 for further advice and they will provide a licensed bat worker to evaluate the situation and give advice. Failure to comply is an offence under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 which makes it an offence to kill, injure or disturb a bat or to destroy any place used for rest or shelter by a bat (even if bats are not in residence at the time). The Countryside and Rights of Way Act 2000 strengthens the protection afforded to bats covering 'reckless' damage or disturbance to a bat roost.