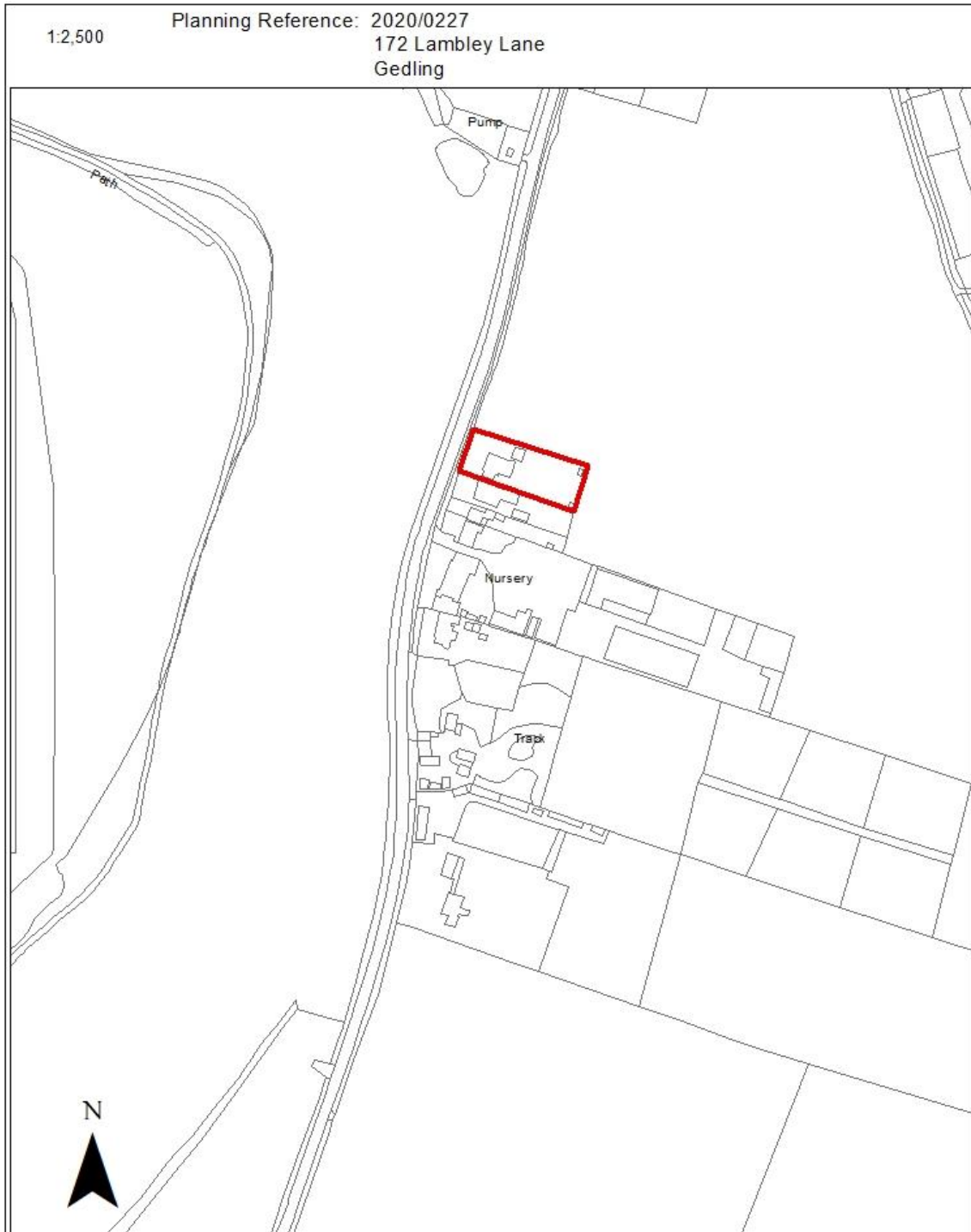




Planning Report for 2020/0227



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Report to Planning Committee

Application Number: 2020/0227

Location: 172 Lambley Lane Gedling

Proposal: Replace existing rooflights with 3no. dormer windows.

Applicant: Mr S Divall

Agent:

Case Officer: Nicolla Ellis

This application has been referred to Planning Committee by the Planning Delegation Panel to allow the impact of the development upon the openness of the Green Belt to be considered.

1.0 Site Description

- 1.1 The application site relates to a detached 1.5 storey dwelling located within the Nottingham-Derby Green Belt. The dwelling is set within a relatively extensive and mature plot of land on the east side of Lambley Lane and lies at the end of a small row of dwellings to the north of and outside the settlement of Gedling.
- 1.2 A mature boundary hedge forms the northern boundary of the site with a combination of a 1.8 metre high fence and a hedge forming the boundary between the application site and the neighbouring property at 170 Lambley Lane.

2.0 Relevant Planning History

- 2.1 **2015/1213** - Demolition of existing kitchen and conservatory to rear and garage to side, and erection of rear extension and alterations to roof to create first floor accommodation (permitted 23.11.2015). This permission included the following condition,

No works permitted under Class A, B, C, or D of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order) shall be undertaken without the prior written permission of the Borough Council.

Reason: In order to protect the openness of the Green Belt, in accordance with the aims of Policy ENV28 of the Gedling Borough replacement Local Plan (Certain Policies Saved 2014).

2.2 **2015/0910** - Rear extension and alterations to roof to create first floor accommodation (withdrawn)

2.3 **2002/1868** - Kitchen extension & erect garage, change use of existing garage to workshop & erect garden store extension (permitted 08.01.2003)

3.0 **Proposed Development**

3.1 Planning permission is sought for the erection of 3no. dormer windows in the northern roofslope of the existing dwelling. The dormer windows would replace 2no. rooflights in situ and would measure 1.8m in width, 1.5m in depth, and 2.1m in height.

3.2 It is proposed that the dormer windows would be constructed of roof and hanging tiles to match the host dwelling.

3.3 Amended plans were received on 15th July 2020 reducing the size of the proposed dormer windows. This report and recommendation relates to these amended plans.

4.0 **Consultations**

4.1 **Neighbouring properties** were consulted and a site notice was placed on 25th March 2020. Following three weeks of consultation, no letters have been received.

5.0 **Assessment of Planning Considerations**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

6.0 **Development Plan Policies**

6.1 The following policies are relevant to the application:

6.2 **National Planning Policy Framework 2019**

The National Planning Policy Framework (2019) sets out the national objectives for delivering sustainable development. The following sections are particularly relevant to this application:

Section 12: Achieving well-designed places

Section 13: Protecting the Green Belt

6.3 Greater Nottingham Aligned Core Strategy Part 1 Local Plan

The following policies of the Adopted Aligned Core Strategy (ACS) 2014 are pertinent to the determination of this application:

Policy 3: The Green Belt

Policy 10: Design and enhancing local identity

6.4 Local Planning Document (Part 2 Local Plan)

The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The relevant policies to the determination of this application are as follows:

Policy LPD13: Extensions to Buildings within the Green Belt

Policy LPD 32: Amenity

Policy LPD 57: Parking Standards

Policy LPD 61: Highway Safety

7.0 **Planning Considerations**

Principle of Development

7.1 The site is located within the Nottingham-Derby Green Belt where development is considered to be inappropriate unless it falls within one of the exceptions listed in paragraphs 145 and 146 of the NPPF. Inappropriate development is by definition harmful to the Green Belt and should not be approved unless there are very special circumstances.

7.2 The proposal seeks to extend the dwelling, which is considered acceptable within the Green Belt provided that the addition or alteration does not result in disproportionate additions over and above the size of the original building.

7.3 Further to this, the design of the proposed development, along with its impact upon the amenities of surrounding land uses must also be considered.

Impact on the openness of the Green Belt

7.4 It is noted that the NPPF identifies at paragraph 145 various developments that may be considered not to be inappropriate development within the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it. Relevant to this proposal is part c) of paragraph 145 which refers to extension or alteration of a building which may be considered acceptable provided that the addition or alteration does not result in disproportionate additions over and above the size of the original building.

7.5 The dwelling was granted planning permission in 2015 for substantial alterations and extensions to the dwelling, which have been implemented. The submitted existing plans do show a slightly different layout to that approved in 2015 (including an additional small room on the southern elevation and

changes to the first floor layout, including additional floorspace within the front dormer window which will be addressed separately outside of this planning application.

- 7.6 Taking note from the previous Officer's report in 2015, their calculations suggest that the overall floorspace of the dwelling was proposed to be increased by 55% by the previous development; I have no evidence before to dispute this calculation and therefore I am of the view that this is correct. At the time, the Officer considered that the proposals did not constitute inappropriate development within the Green Belt but considered the removal of permitted development rights be removed to prevent any further extension to the dwelling, presumably to prevent any further extensions tipping the balance towards inappropriate development.
- 7.7 Since this approval in 2015, a new local plan for the Borough has been adopted, which under LPD Policy 13, places a 50% limit on increases to floor area to buildings within the Green Belt. Given that the dwelling has already been increased in size by 55%, this suggests that any further development to the dwelling could be considered inappropriate development within the Green Belt and therefore harmful to the openness of the Green Belt.
- 7.8 The existing plans submitted with the proposal suggest that the floor area at first floor is greater than what was approved in 2015 and thus the overall increase to the dwelling currently in situ is greater than 55%; this floor area would be retained as part of the proposed development and the addition of dormer windows would increase the area of *useable* floorspace within the first floor owing to the greater head room afforded by the structures. The proposed plans suggest an increase of 20.6m² of useable floor area over and above that shown on the approved 2015 plans. This would take the total increase to 74%, substantially over the 50% limit set by LPD Policy 13 and as such cumulatively the additions to the building would not be considered proportionate to the original dwelling. Taken in isolation, the proposed dormer windows would not necessarily be considered inappropriate development, however the LPA must take into account the previous development and as such whilst the proposal under this application is relatively minor, the proposed floorspace tips the balance of acceptability considered under the 2015, and would result in overall additions to the dwelling constituting inappropriate development.
- 7.9 However, whilst the floorspace calculations help in quantifying the difference in size between the original outbuilding and proposed addition, I am mindful that consideration therefore also needs to be given to the design of the proposal and whether its scale, form, mass and layout result in a property which would have an acceptable impact on the openness of the Green Belt.
- 7.10 Impact upon the openness of the Green Belt goes beyond whether an extension to the building would be considered proportionate to the original building as its overall impact may be significant in terms of altering views or becoming more prominent within the wider area. As noted above, the dwelling has previously been significantly extended. This is a material consideration and it cannot be overlooked as to the reasons why permitted development rights were removed, although I am mindful that the removal of these rights does not necessarily result in any planning application being considered unacceptable.

- 7.11 The proposed dormer windows would be readily visible from the public realm with clear views for some distance as you travel along Lambley Lane from the north. The 3 additional structures would add significant bulk to the building and increase its dominance with the countryside location. This, combined with the previous additions, would in my view be harmful to the openness of the Green Belt through the addition of built form in such a prominent location.
- 7.12 Given the above, on balance, I am of the view that the overall cumulative scale and form of the proposal, combined with the previous additions, is disproportionate to the original building and is therefore considered to be inappropriate development within the Green Belt and contrary to the aims of Paragraph 145 of the NPPF, Policy 3 of the GBACS (2014), and Policy LPD 13 of the LPD (2018).

Character and appearance of the area

- 7.13 The proposed dormer windows would be located on the northern roofslope and would be highly visible from the public realm, being the first dwelling in a row of properties along Lambley Lane that you see as you travel southwards along the road from Lambley. The dormer windows would be similar in character to the one already constructed on the front elevation and would sit subservient in the roofslope, however the construction of 3 on one roofslope would increase the bulk along this prominent elevation and significantly add to the built form visible from the surrounding countryside. Taken on their own I would not consider the proposed dormers to be detrimental to the character and appearance of the area, however taking into account the previous alterations, the appearance of the dwelling has significantly altered the building's setting and as such I consider that there is a degree of harm to the character of the area through the overall prominence of the building within the wider views of the site as you approach from the north.
- 7.14 Assessing simply the design, I am of the view that the proposed dormer windows would not be harmful to the appearance of the dwelling itself, however in terms of the wider character of the area, which is Green Belt designated land, I consider that cumulatively there is harm to the character and setting of this countryside location.
- 7.15 By virtue of the design, scale and materials to be used, the proposal would be in keeping with the host dwelling, although would be harmful to the character of the Green Belt and as such would not wholly be in accordance with Section 12 of the NPPF (2019) and Policy 10 of the GBACS (2014).

Impact on the neighbours' residential amenities

- 7.16 The proposed dormer windows would be located on a roofslope facing onto an open field with no other buildings within close proximity. As such, I do not consider the proposal likely to have any impact upon residential amenity and therefore would be in accordance with Section 12 of the NPPF (2019), and Policies LPD 32 and LPD 43 of LPD (2018).

Impact upon the Public Highway

- 7.17 The proposal does not seek to reduce the number of parking spaces within the site, which has adequate spaces commensurate to the size of the dwelling. As such I do not consider it likely that the proposal would have any additional impact upon the public highway in accordance with Section 9 of the NPPF (2019), Policies LPD 57 and LPD 61 of the LPD (2018).

Other Matters

- 7.18 The dwelling does not appear to have been built out wholly in accordance with the approved plans from 2015; there is an additional room at ground floor level on the SW side elevation and a porch to the front elevation which were not included in the proposed plans in 2015. Further to this, the front dormer window has been built in a different location to that approved and also provides floor area at first floor level which was not included in 2015.
- 7.19 The dwelling also now benefits from a detached garage which was not there at the time of the previous application.
- 7.20 Whilst they do not have any bearing on this application in terms of its acceptability, the lawfulness of these structures is being investigated separately outside of this planning application. If considered to be lawful, these additions would also further add to the cumulative increase in floor area for the dwelling.

Conclusion

- 7.21 Taking the above into account, it is considered that the proposal would cumulatively result in disproportionate additions to the dwelling that would represent inappropriate development within the Green Belt in accordance with the NPPF and LPD 13. Policy LPD 13 requires additions to buildings to be no greater than a 50% increase in floorspace upon the original building; this application proposes a cumulative increase in useable floor area of 74%. There are no very special circumstances that would outweigh the harm to the openness of the Green Belt and as such the proposed extensions are therefore contrary to Policies 3 and 10 of the GBACS (2014), and Policies LPD 13 and 43 of the LPD (2018) and Section 13 of the NPPF (2019).

8.0 Recommendation:

8.1 REFUSE planning permission for the following reason;

- 1 The proposed dormer windows would result in cumulative disproportionate additions to the building and would therefore represent inappropriate development, which is by definition, harmful to the Green Belt. The proposed development would cumulatively result in an increase in floorspace to the building of 74% which would be harmful to the openness of the Green Belt. The proposal would also be unduly prominent from the surrounding countryside through the cumulative increase in bulk and scale of the building. There are no very special circumstances that would outweigh this harm. The development would therefore be contrary to Section 13 of the National Planning Policy

Framework (2019) Policy 3 of Gedling Borough Council Aligned Core Strategy (2014) and Gedling Borough Council Local Planning Document Policy 13 (2018).

8.2 Notes to Applicant

- 1 You are advised that as of 16th October 2015, the Gedling Borough Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website.

- 2 Planning Statement - The application is clearly contrary to the Development Plan, as detailed in the above reason for refusal. However the District Planning Authority has worked positively and proactively with the applicant who has submitted some revisions to the proposal. Whilst not all problems arising can be overcome, some issues have been negated.