



**Report to Planning Committee**

**Application Number:** 2018/0861

**Location:** 42 Chartwell Grove Mapperley

**Proposal:** Erection of a single storey rear extension garden room and retrospective permission for the erection of additional fence panels to front.

**Applicant:** [REDACTED]

**Agent:**

**Case Officer:** Lewis Widdowson

**This application has been referred to Planning Committee by the Planning Delegation Panel to allow Members to consider the impact of the fence panels on visual and residential amenity.**

**1.0 Site Description**

- 1.1 42 Chartwell Grove is a detached dwelling situated within the established urban area of Mapperley. The dwelling is set on a large plot of land at the end of the cul-de-sac with neighbouring properties to the east and west and Gedling Country Park to the southeast.
- 1.2 The dwelling is a large brick built property with garden areas to the front and rear. The property has an area of hardstanding to the front which, along with a double integral garage, provides off street parking for a minimum of three vehicles.
- 1.3 The shared boundaries to the rear of the site are delineated by wooden panel and concrete post fencing approx. 1.8 metres in height. The fence, subject to this application, has been continued along the shared boundary to the front of the site between 42 Chartwell Grove and 44 Chartwell Grove.

**2.0 Relevant Planning History**

- 2.1 On the 7<sup>th</sup> February 1996 Conditional Permission was granted for "Residential Development of 13 Houses & Garages". Application Reference 95/1495. Condition 15 of this permission states that "Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order), no development shall be carried out which comes within Parts 1 and 2 (except Class C,H (Part

1) and Class C (Part 2) of the second schedule to this Order without the prior permission of the Borough Council as local planning authority”.

- 2.2 On the 24<sup>th</sup> April 2001 Conditional Permission was granted for a “Conservatory extension to rear of property”. Application Reference 2001/0324.

### **3.0 Proposed Development**

- 3.1 The application seeks Planning Permission for the erection of a single storey extension to the rear of the dwelling, and the retention of a 1.8 metre high timber panel fence with concrete posts to the front boundary.
- 3.2 The proposed extension would extend approx. 4.2 metres beyond the rear elevation of the dwelling and would have a width of approx. 4.7 metres. The extension would be constructed with a dual pitch roof with the eaves height measuring approx. 2.4 metres and a maximum ridge height of approx. 3.8 metres. The proposed extension would be constructed using red facing bricks and roof tiles of a similar appearance to that of the original dwelling.
- 3.3 The concrete posts and timber fence panels erected to the front follow the shared boundary to the northeast of the site between the application site and 44 Chartwell Grove. The fence consists of ten new panels which measure approx. 1.8 metres in height. The fence has already been constructed on site and this element of the application is therefore retrospective.

### **4.0 Consultations**

- 4.1 Neighbouring properties were consulted and a site notice was displayed near to the application site – Nine representations were received.

Four letters were received objecting to the proposed development. The main concerns raised included:

- The fence is contrary to policies LPD 32 and LPD 34.
- Fence to front boundary is an eyesore.
- Impact on the amenity of neighbouring dwellings.
- Adverse effect on the character of the streetscene.
- Permitted development rights were removed to stop this type of development.

Five letters were received in support of the proposed development. The main points raised included:

- A barrier between the two houses should have been included when the dwellings were first built.
- The fence has been designed with taste.
- Its dimensions are appropriate.
- It is in keeping with the surrounding area.
- Does not impact adversely on the streetscene.

- 4.2 Nottinghamshire County Council (Highways Authority) – No objection.

- 4.3 GBC Public Protection (Scientific Officer) – Notes the development would take place on land that has a history of industrial use. Potential land contamination including ground gases and combustibility of the ground. Advises conditions are attached if permission is granted relating to unexpected contamination and ground gas.

## 5.0 **Planning Considerations**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that: 'if regard is 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'.
- 5.2 The main planning considerations in the determination of this application are the visual impact of the proposals on the character and appearance of the locality, the impact on the amenity of neighbouring residential properties and any highway's safety issues which may arise as a result of the development.
- 5.3 The following policies are relevant to the application:
- 5.4 At the national level the National Planning Policy Framework (July 2018) is relevant. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF sees good design as a key element of sustainable development. The relevant national policy guidance in respect of these matters is set out in the National Planning Policy Framework (July 2018): -

In particular the following chapters are relevant in considering this application:

12. Achieving well-designed places (paragraphs 124-132).

- 5.5 Gedling Borough adopted the Aligned Core Strategy (ACS) on 10<sup>th</sup> September 2014 and this now forms part of the Development Plan. The following ACS policy is relevant:

Policy 10 – Design and Enhancing Local Identity

- 5.6 Gedling Borough adopted the Local Planning Document (LPD) on the 18<sup>th</sup> July 2018. The most relevant policies to the determination of this application are as follows:
- 5.7 LPD 32: Amenity states "*Planning permission will be granted for development proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers, taking into account potential mitigation measures*".
- 5.8 LPD 34: Residential Gardens states "*Development involving the loss of residential gardens will not be permitted unless: inter alia,*  
*iii the development proposal is an extension to an existing residential building and would retain an adequate area of functional garden, and that... In all cases, any development of residential garden land should not result in harm to the character and appearance of an area.*"

*Development involving front gardens should ensure that the character of the streetscene is not harmed and that the boundary treatments and planting are retained”.*

5.9 LPD 43: Extensions to Dwellings Not in the Green Belt states “*Within the existing main built up areas of Nottingham, the key settlements of Bestwood Village, Calverton and Ravenshead and the other villages of Burton Joyce, Lambley, Newstead and Woodborough, Planning Permission will be granted for extensions or alterations to dwellings provided:-*

- a. the appearance of the proposal is in keeping with surrounding character in terms of height, built form and general design;*
- b. the proposal conserves any historic significance the building may have; and*
- c. the proposal would not cause a significant adverse impact on the amenity of nearby occupiers.”*

5.10 The relevant planning policies that need to be considered in relation to highway matters are set out in the Parking Provision for Residential Development Supplementary Planning Document (SPD). This document outlines that a dwelling within an urban area should provide a minimum of two off street parking spaces if the dwelling has three or more bedrooms.

5.11 In making a recommendation in relation to this application, regard has been given to the above policies.

## **6.0 Single storey rear extension**

### **6.1 Design and visual amenity**

In terms of visual amenity, I consider that the design and appearance of the proposed rear extension is in keeping with the design of the host dwelling. I also consider that the scale and bulk of the extension is appropriate when viewed in relation to the main dwelling. Furthermore I am satisfied that the proposed external facing materials would be acceptable given they would be of a similar appearance to the existing dwelling.

### **6.2 Residential amenity**

I am satisfied that there the proposed single storey rear extension would not result in any undue overbearing, overlooking or overshadowing impact on the surrounding residential dwellings. I note that the proposed extension has a modest eaves height which would, in my opinion, have an acceptable relationship with the neighbouring dwellings.

### **6.3 Highway safety**

Given the location of the extension to the rear of the property, I do not consider there to be any adverse effects on highway safety.

## **7.0 Timber panel fence with concrete posts to front boundary**

### **7.1 Design and visual amenity**

I am satisfied that the retention of the fence to the front boundary of the dwelling does not significantly detract from the visual amenity of the surrounding area or the existing streetscene. I note that prior to the erection of the fence the view down Chartwell Grove to the east terminated with the front two storey elevation of No. 44 Chartwell Grove. Part of the ground floor of this front elevation is however now obscured by the fence, however, as this is the end of the cul-de-sac, I do not consider that it has a harmful impact on the streetscene.

7.2 Whilst the majority of the gardens to the front of the surrounding properties are open plan I am satisfied that in this instance the orientation and layout of the boundary would ensure the fence would not be overly prominent within the streetscene. I am also mindful that there are existing examples of other timber fences and brick walls within the vicinity on the opposite side of Chartwell Grove which in my view have an acceptable appearance.

### 7.3 Residential amenity

No. 42 and No. 44 Chartwell Grove are large detached properties set within large plots. Given the level of separation between the fence and the respective front elevation of each property I am of the opinion that there would not be any undue overbearing or overshadowing impact as a result of the development.

### 7.4 Highway safety

The Highway Authority has raised no objection to the retention of the fence and I am therefore satisfied that it poses no highway safety risk. I am also satisfied that the proposal would allow the retention of sufficient off street parking to the front of both 42 Chartwell Grove (approx. 4 spaces) and 44 Chartwell Grove (approx. 5 spaces) to accord with the guidance set out within Gedling's Parking Provision for Residential Development SPD.

### 7.5 Other matters

Whilst concerns have been raised from local residents regarding the removal of permitted development rights from the properties within this area I note that application 95/1495 does not state that condition 15 was attached in order to specifically control development within the front gardens of the approved dwellings. The removal of permitted development rights does not mean that development may not occur on site, but rather that planning permission should first be sought from the Local Planning Authority.

## 8.0 Conclusion

Having assessed the proposed development carefully against the above policies it is my opinion that the development accords with the aims set out in Part 12 of the National Planning Policy Framework, Policy 10 of the Aligned

Core Strategy and Policies 32, 34 and 43 of the Local Planning Document as well as the guidance set out within Gedling's Parking Provision for Residential Development SPD. It is therefore recommended that planning permission is granted.

**9.0 Recommendation Grant Planning Permission subject to the following conditions: -**

**Conditions**

- 1 This permission shall be read in accordance with the details within the application form, the Site Location Plan and the following drawing, NSB/50/02/A "Ground Floor and Roof", submitted on the 27th August 2018, the supporting "Plans and Drawings for Proposed Fence" submitted on the 5th September 2018, and the amended drawing NSB/50/05 "Construction Section A - A" submitted on the 15th October 2018. The development shall thereafter be undertaken in accordance with these plans/details.
- 2 In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the Local Planning Authority, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.
- 3 No building/extension hereby approved by this permission shall be occupied or first brought into use until the agreed gas protection measures have been completed and certified in accordance with the details shown on the amended drawing NSB/50/05 "Construction Section A - A" submitted on the 15th October 2018.

**Reasons**

- 1 For the avoidance of doubt and to define the terms of this permission.
- 2 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 178 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
- 3 To ensure that this development does not prejudice the groundworks carried out under the provisions of planning application ref: 95/1495.

**Reasons for Decision**

In the opinion of the Borough Council the proposed development is visually acceptable, results in no significant impact on the amenity of neighbouring residential properties and would not have any adverse impacts on Highways Safety. The development therefore accords with the aims set out in the National Planning Policy

Framework, Policy 10 of the Aligned Core Strategy and Policies 32, 34 and 43 of the Local Planning Document.

### **Notes to Applicant**

Particular care should be taken to avoid damaging, penetrating or puncturing the gas resistant membrane. Before laying the membrane, all projections on the top of the slab which may puncture or damage the membrane must be removed. The membrane should be protected during installation, such as through the use of temporary boarding. This should protect the membrane from accidental damage from site activities. Heavy trafficking over the membrane should be avoided. It is important to check that the barrier is not damaged in any way before it is covered with a screed. Any damage to the membrane should be repaired before proceeding with later works.

It is especially important that attention is paid to detailing and workmanship in jointing of the barrier, and to ensure that the barrier is sealed across the entire footprint of the building including the use of a compatible proprietary damp proof course. Joints in the gas-resistant membrane should be overlapped and taped or site welded to the membrane manufacturer's specifications. If the joints are site-welded, care is needed to avoid damaging the membrane during the welding operation. Prefabricated sections for edges and corners can be used to continue the gas-resistant barrier over awkward areas. To avoid the potential for migration pathways that may arise from poorly constructed joints, an alternative to site-welding is to install a prefabricated membrane as a single sheet manufactured to the same plan dimensions as the ground floor. All sealants used which come into contact with the membrane should be chemically compatible with the membrane. Precautions must be taken to avoid thermal effects including heating / fires etc. which may cause physical breakdown of the material.

Each service penetration through the membrane should be sealed against gas ingress. This can be achieved by the use of pre-fabricated joints / seals, such as 'top-hat' sections for pipes. The top-hat diameter should match the service pipe diameter. Penetrations should be avoided at points where the membrane is lapped, because of the greater difficulty of resealing.

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](http://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](http://www.groundstability.com).

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 at [www.gedling.gov.uk](http://www.gedling.gov.uk). The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the gross internal area of new build is less 100 square metres



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.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). During the processing of the application there were considered to be no problems for which the Borough Council had to seek a solution in relation to this application.