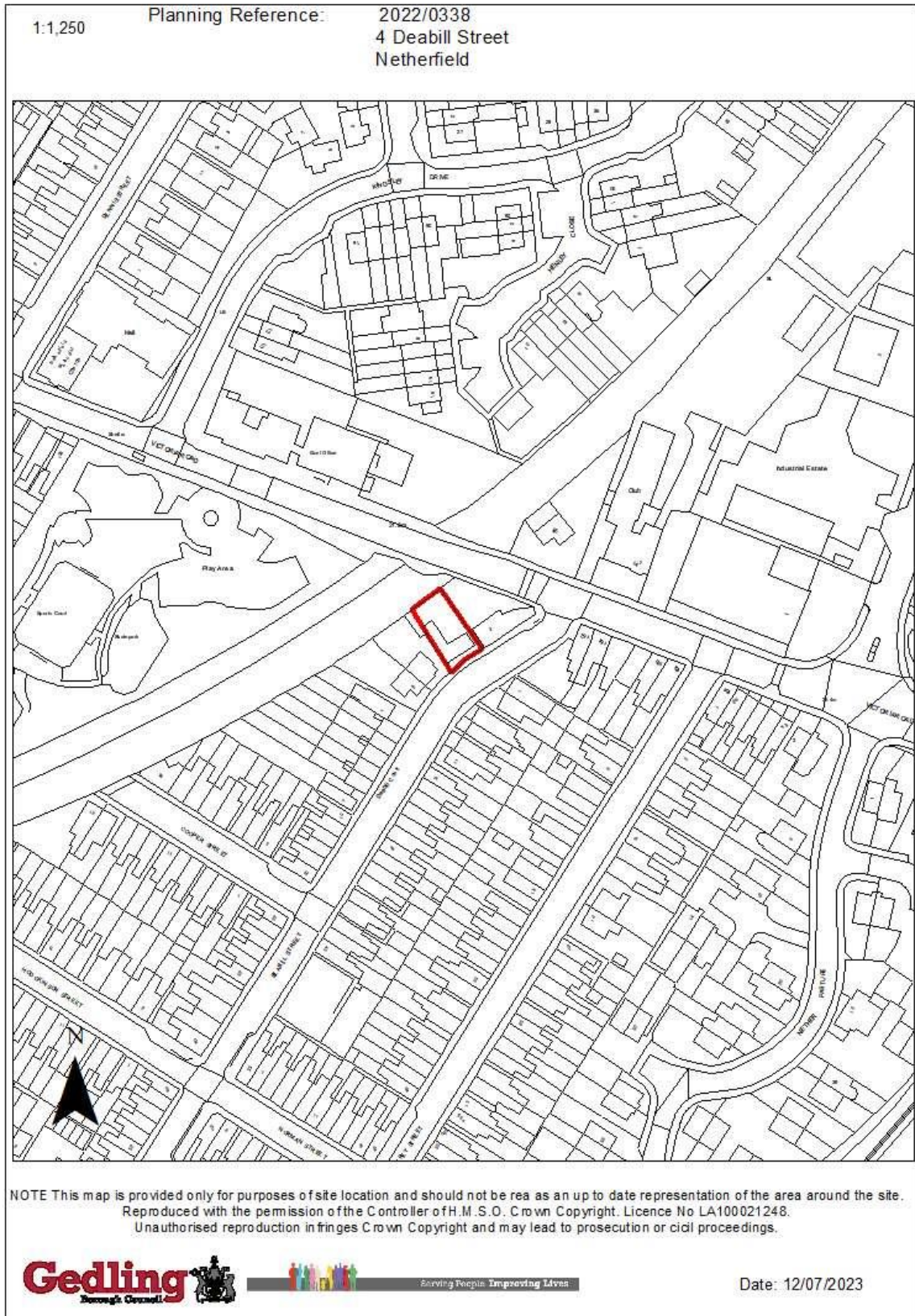




Planning Report for 2022/0338



Report to Planning Committee

Application Number:	2022/0338
Location:	4 Deabill Street Netherfield
Proposal:	Two storey rear extension, single storey rear extension to create a 6 bedroom property to be occupied by one household.
Applicant:	Mr Osmond Okungbowa
Agent:	NJW Design
Case Officer:	Alison Jackson

The application has been referred to Planning Committee by the Planning Delegation Panel to assess the impact of the proposal on the residential amenity of neighbouring occupiers and the impact on the highway network from increased on-street parking.

1.0 Site Description

- 1.1. 4, Deabill Street, Netherfield is a two storey detached brick and painted property. The property is set slightly back from the road. The property offers no off street car parking. There is a rear garden area to the property.

2.0 Relevant Planning History

- 2.1 None.

3.0 Proposed Development

- 3.1 Planning permission is sought for the erection of a two storey and single storey rear extension to the property in order to create a six bedroom property, which the applicants have advised would be occupied as a single household. The layout of the dwelling with a shared kitchen/diner would mean that the occupiers would need to cook and eat together, which would indicate that the occupiers would live as a single household, even if the occupiers are not related or known to each at the time of occupation.
- 3.2 The materials proposed for the construction of the extensions are a render finish.

4.0 Consultations

4.1 Local residents have been notified by letter and a site notice has been posted – two letters of representation were received, the contents of which are summarised below:

- The application is misleading.
- It is unsure who will occupy the property and who owns the property.
- Concerns that the property will be used as a HMO.
- Concerns over anti-social behaviour.
- Noise pollution.
- Significant parking issues.
- The property is unoccupied but the application details state that the property is occupied.
- The rooms are all en-suite with only a shared kitchen/diner and therefore it does not appear that the property would be occupied by a single household.
- Concerns that the work has already commenced.
- Highway safety issues.
- Concerns that occupiers of the property will be exploited.
- The proposal would be out of character in this family area.
- Existing arson and theft issues in the area.

4.2 Nottinghamshire County Council (NCC) Highway Authority – there is no off-street parking with the existing use or the proposed and will continue to rely on on-street parking. The Highways Authority must stress that residents to the proposal site may cause inconvenience to the existing residents and their visitors who also have a current demand for parking in the area. Having taken the road safety into account the highways Authority do not wish to raise any objection to the proposal.

4.4 Environment Agency – originally objected to the application in the absence of an acceptable Flood Risk Assessment (FRA) however following confirmation that the property is to be occupied as a single household advise that the application should be assessed against their standing advice but advise that the occupants should sign up to a Flood Warning System.

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’.

5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2021 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG).

6.0 Development Plan Policies

- 6.1 The following policies are relevant to the application:
- 6.2 At the national level the National Planning Policy Framework (NPPF) (2021) 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 following sections and paragraphs are particularly pertinent.
- Part 5 – Delivering a sufficient supply of homes
 - Part 12 – Achieving well-designed places
 - Part 14 – Meeting the challenge of climate change, flooding and coastal change
- 6.3 Paragraph 124 of the NPPF states that “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.
- 6.4 Paragraph 127 of the NPPF states that “Planning policies and decisions should ensure that developments ... create places ... with a high standard of amenity for existing and future users.”
- 6.7 The following policies of The Adopted Core Strategy (ACS) 2014 are pertinent to the determination of the application:
- Policy 1 – Climate Change states development proposals will be expected to mitigate against and adapt to climate change.
 - Policy 8 – Housing Size, Mix and Choice states “Residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. All residential developments should contain adequate internal living space”
 - Policy 10 – Design and Enhancing Local Identity states that development will be assessed in terms of its “structure, texture and grain including street patterns, plot sizes, orientation and positioning of buildings and the layout of space”.
- 6.8 The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. Policies relevant to the determination of this application are as follows:
- LPD 3 – Managing Flood Risk states planning permission will be granted for development in areas at risk of flooding provided that the development does not increase the risk of flooding on the site or elsewhere.
 - 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”.

- LPD 43 - Extensions to Dwellings Not in the Green Belt states “Within the existing main built up area 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:-
 - the appearance of the proposal is in keeping with surrounding character in terms of height, built form and general design;
 - the proposal conserves any historic significance the building may have; and
 - the proposal would not cause a significant adverse impact on the amenity of nearby occupiers.”
- LPD57 – Parking Standards states “Planning permission for residential development will be granted where the development proposal meets the requirement for parking provision set out in Appendix D, or otherwise agreed by the local planning authority.”
- LPD 61 – Highway Safety states “Planning permission will be granted for development proposals which do not have a detrimental effect on highway safety, patterns of movement and the access needs of all people.”

6.9 In respect to car parking, regard should be had to the Borough Council’s Supplementary Planning Document ‘Parking Provision for Residential and Non-Residential Developments’ (2022).

7.0 Planning Considerations

Principle of the Proposed Use

- 7.1 The site is located within an urban area where the principle of householder development is considered acceptable subject to the assessment of all material planning considerations. The property is currently unoccupied with its authorised use being as a Class C3 residential dwelling.
- 7.2 Concerns have been raised in regard to the fact that when the application was initially submitted the description of the development stated that the property would be occupied as a House of Multiple Occupation (HMO), this matter has been clarified with the applicant and, as detailed above, the applicant’s agent has advised that it will be occupied as a single household. It is noted that each of the rooms will be en-suite; however, no cooking facilities are provided within any of the rooms and, therefore, occupiers would be required to utilise the shared space e.g. the kitchen/diner, for the production, and likely consumption, of meals. This would indicate that the occupiers would have to live as a single household rather than being self-contained bed-sits.
- 7.3 The Town and Country Planning (Use Classes) Order 1987 (as amended) categorises different types of property and land into classes. The use proposed by the applicant would fall within Class C3(c) residents living together as a single household where no care is provided to residents. The regulations also permit a change of use to Class C4: Use of a dwellinghouse by not more than six residents as a HMO (House in Multiple Occupation).

While the proposed use would not require planning permission, a licence under the Housing Act 2004 would be required, if the property is to be occupied by 5 or more tenants. Any licence granted would include conditions relating to mandatory national minimum sleeping room sizes and waste disposal requirements.

Impact of the proposed Use on Residential Amenity

- 7.4 As the existing property and the proposed extension would be occupied for residential purposes, there is no reason to conclude the proposal would have a greater impact on the amenity of neighbouring residential properties or the area in general.
- 7.5 Whilst the concerns of neighbouring residents are noted in respect to the fact that the use would not be as a 'family home' and the proposed use would affect what existing residents consider to be a 'family area' with the use adversely affecting the community in the area, it is not considered that there is any justification for this assertion. The use of the property would not be at variance with the existing residential character of the area.
- 7.6 The concerns raised in respect to potential anti-social behaviour as a result of the occupants of the property are noted. Again, it is not considered that there is any justification for this assertion or that any potential occupants of the property would be exploited.
- 7.7 It is not considered that the occupation of the property by up to six people living as a single household will result in any significant noise issues. As a result the application is deemed to comply with polices LP32

Design and Impact of the Proposed Extension on Neighbouring Amenity

- 7.8 It is considered that the proposed rear extension will be visually acceptable and will not detract from the existing dwelling.
- 7.9 The proposed extensions do not appear dominant on the site, with sufficient amenity space to serve the extended property. Whilst it is noted that the proposed extension would be constructed with a flat roof, given that the extension is to the rear of the property where views will be limited, it is considered that the construction of the extension with a flat roof would not justify a refusal of permission
- 7.10 It is considered that the proposed extensions will result in no undue overbearing or overshadowing impact onto neighbouring properties.
- 7.11 It is also considered that, given the location of windows/doors there will be no undue overlooking impact onto neighbouring properties.
- 7.12 The concerns raised are noted in regard to some works having commenced on site. If the applicant has undertaken any works these are undertaken at their own risk and the commencement of works on site does not influence the assessment or determination of an application. The application is therefore deemed to comply with ACS10 and LPD43.

Highway Safety and Parking

- 7.13 The Highway Authority has raised no objection to the proposal but comment that demand for on street parking may cause inconvenience to neighbouring residents however this is an amenity issue and does not raise any highway safety issues. Therefore, it is considered that there are no highway safety implications arising.
- 7.14 In regard to the availability of off road car parking to serve the site, it is noted that the property currently does not offer any off street parking and is only served by on street parking, the proposal also does not offer to provide any off street parking and whilst this would be welcomed, given that the property does not currently offer off street parking and the property, whilst extended would remain occupied by a single household, it is not considered reasonable in this instance to request that off street parking is provided at the site. It is also noted that due to the nature of the site which is set amongst terraced properties with no or limited front curtilages, that it would not be achievable to provide off street parking on the site.
- 7.15 Whilst it is noted that neighbouring residents have raised concerns in regard to the lack of off street parking and that there will be a greater demand for on road car parking on neighbouring streets preventing existing residents from being able to park the use of the property remains as existing and the existing on street parking will remain as existing where anyone can park on the street.
- 7.16 There are no specific relevant parking standards contained within the Parking Provision for Residential and Non-Residential Developments: Supplementary Planning Document (SPD).
- 7.17 Given the above it is considered that there are no highway safety or parking implications arising in this instance.

Flood Risk Issues

- 7.18 The revised comments of the Environment Agency (EA) are noted. In accordance with the EA's Standing advice that there are no flood risk issues arising given that the floor levels of the proposed extensions will be set no lower than the floor level of the existing dwelling and the property will be occupied as a single household. A note is proposed to be to the decision notice identifying that occupiers should be made aware of the EA's Flood Warning System. The application is therefore deemed to comply with policy LPD3.

Other

- 7.19 The concerns that have been raised in regard to arson and theft issues in the area are noted. These matters are Police are not considered to be material to the determination of this planning application.

8.0 Conclusion

- 8.1 The proposed development results in no undue impact on neighbouring properties, the area in general and there are no highway safety or parking implications arising. The development is also acceptable in respect to flood risk issues. The development therefore accords with the National Planning Policy Framework 2021, policies 1, 8 and 10 of the Aligned Core Strategy 2014 and policies 3, 32, 43, 57 and 61 of the Local Planning Document 2018; and Supplementary Planning Document 'Parking Provision for Residential and Non-Residential Developments' (2022).

Recommendation: 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 undertaken in accordance with the details as set out within the revised application form received on the 25th April 2023, the e-mail received on the 7th April 2022 confirming that the property would be occupied by a single household, the location plan received on the 17th March 2022 and the plan showing the proposed floor plans and elevations received on the 17th March 2022, drawing number: 21-2319-2 Rev XXX.
- 3 The extensions shall be rendered in accordance with the approved details before the extensions are first brought into use.

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 ensure that the development is visually acceptable, in accordance with policy 10 of the Aligned Core Strategy 2014.

Reasons for Decision

The development results in no undue impact on neighbouring properties, the area in general and there are no highway safety or parking implications arising. The development is also acceptable in respect to flood risk issues. The development therefore accords with the National Planning Policy Framework 2021, policies 1, 8 and 10 of the Aligned Core Strategy 2014 and policies 3, 32, 43, 57 and 61 of the Local Planning Document 2018.

Notes to Applicant

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 not payable on the development hereby approved as the development type proposed is zero rated in this location.

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.

Your attention is drawn to the standing advice of the Environment Agency (EA) in respect of potential flood risk and it is advised that the occupants sign up to the EA's Flood Warning System.

Please note that this application has been assessed on the understanding that the property is to be occupied by upto 6 occupants living as a single household, if circumstances were to change there would be a requirement to seek the advice of the Local Planning Authority to determine whether or not a material change of use has occurred.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework.