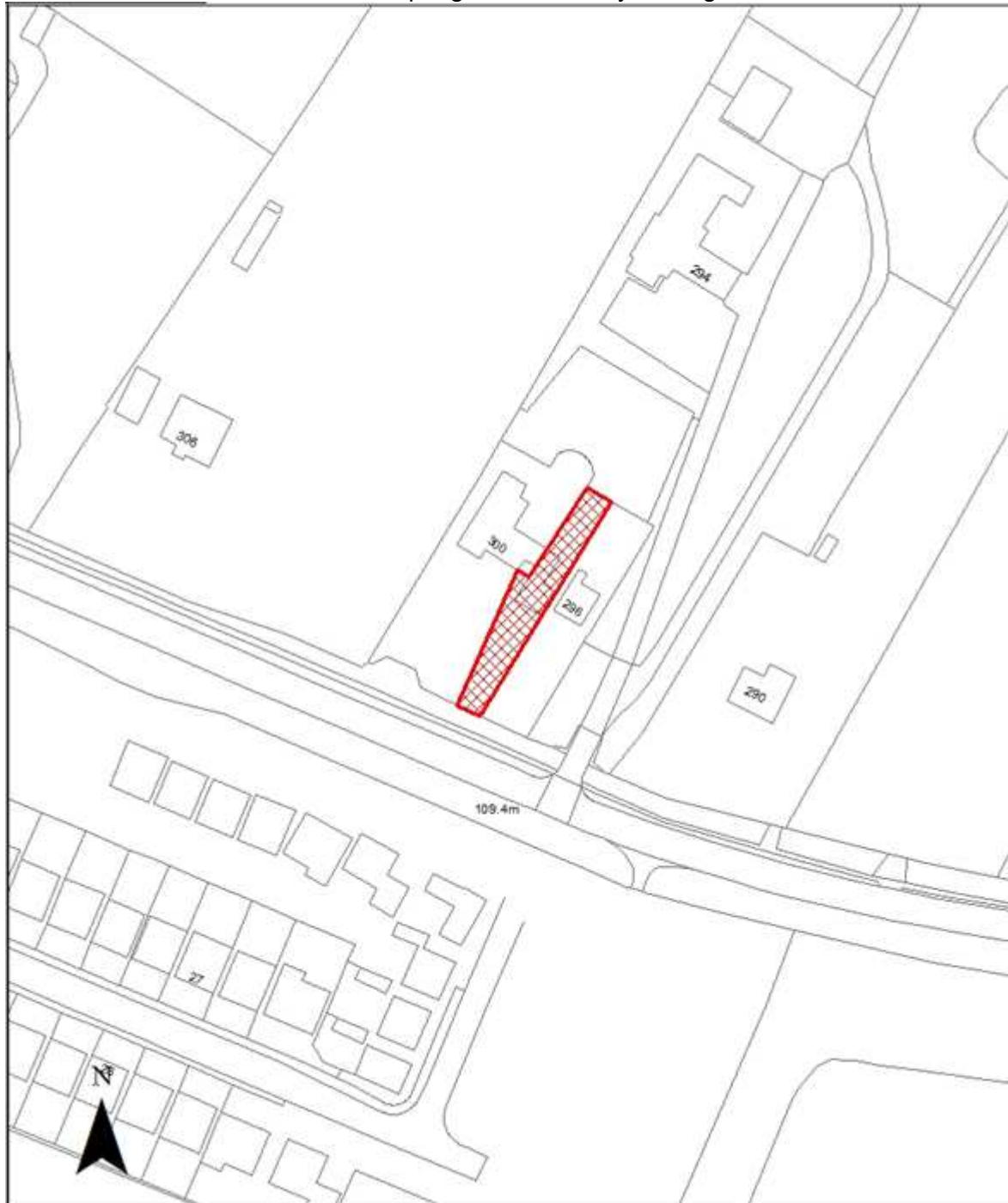


**Application Number:** 2014/0605

**Location:** 300 Spring Lane Lambley Nottinghamshire NG4 4PE



**NOTE:**

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## **Report to Planning Committee**

**Application Number:** 2014/0605

**Location:** 300 Spring Lane Lambley Nottinghamshire NG4 4PE

**Proposal:** Change of use of the existing annex to an independent dwelling and the erection of a garage to serve the new dwelling.

**Applicant:** Mr & Mrs Spencer

**Agent:**

### **Site Description**

The application is being reported to the Planning Committee as the applicant is an elected member.

### **Site Description**

300, Spring Lane, Lambley is a large detached bungalow which is set back from the road. The property is situated within the Green Belt for Nottingham. The property has an attached annex to the main dwelling. There is a large driveway area to the front of the property together with a front garden area. Trees provide screening along the boundaries of the site. The immediate neighbouring property, no. 296, is a two storey property. There is a rear garden area to the property.

### **Relevant Planning History**

Planning permission was granted in January 1994, reference 93/1616, for the erection of an extension to 300, Spring Lane and the conversion of the garage and utility room in order to provide a 'granny annex'. Permission was granted subject to the following condition:

'The proposed "granny flat" shall only be occupied by a dependant relative or dependant relatives of the occupants of the dwelling, at 300 Spring Lane, Lambley and when no longer required for that purpose shall be incorporated into that dwelling as an extension.'

### **Proposed Development**

Planning permission is now sought for the change of use of the existing one

bedroom annex, as granted under the above permission, to an independent dwelling and for the erection of a detached double garage within the front garden area to the property.

It is proposed that the annex building would become independent from the main dwelling with a front and rear garden area proposed to serve the independent dwelling.

No external changes are proposed to the annex building in order for the building to be used as an independent dwelling.

Access to the dwelling would be via the existing driveway.

The proposed garage would measure 6 metres by 6 metres with an eaves height of 2.209 metres and an overall height of 3.9 metres. The garage is shown to be positioned with the garage doors facing the dwelling.

### **Consultations**

Lambley Parish Council – no comments received to date.

NCC Highway Authority – request that details are submitted showing the access arrangements into the site and the orientation of the garage. Following the receipt of confirmation that the existing access would be used to access the site and the garage would be orientated in order to face the dwelling, no objections are raised.

Local residents have been notified by letter and the application has been advertised on site as a Departure to the Local plan and a press notice has been advertised within the local press – The statutory consultation period for representations is until 6<sup>th</sup> October 2014 and any consultation responses will be reported verbally at Committee.

### **Planning Considerations**

The main considerations in the determination of this application are whether the proposals accord with Green Belt policies, the impact of the proposals on neighbouring properties and the area in general and whether there are any highway safety implications arising from the proposals.

At a national level the National Planning Policy Framework 2012, is relevant and states, at paragraph 90:

Certain forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. These are:

The re-use of buildings provided that the buildings are of permanent and substantial construction.

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 6 - The Green Belt; and  
Policy 10 - Design and enhancing Local Identity.

Criterion e) and Criterion f) of the ACS refers respectively relate to materials and architectural styling and to the impact on the amenity of nearby residents.

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

At a Local level Policy ENV28, (Extensions to Dwellings or Limited Residential Curtilage Buildings in the Green Belt), of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014) states:

Within the Green Belt, planning permission for limited extension, or alteration of existing dwellings will be granted, provided that:-

- a. It does not result in disproportionate additions over and above the size of the original dwelling, and
- b. It does not result in a detrimental impact on the openness of the Green Belt.

The lower case text to this policy states:

Curtilage buildings can result in a serious impact on the openness of the Green Belt by reason of their footprint, height, scale, position and bulk. Permission will not be granted for such buildings unless they are of limited scale, well designed and in an unobtrusive location.

In addition Policy ENV1, (Development Criteria), Gedling Borough Replacement Local Plan (Certain Policies Saved 2014) states inter alia:

'Planning permission will be granted for development provided it is in accordance with other Local Plan policies and the proposals meet the following criteria:-

- a. it is of a high standard of design which has regard to the appearance of the area and does not adversely affect the area by reason of its scale, bulk, form, layout or materials;
- b. it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated;
- c. development proposals are to include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles. In this regard, particular attention will be paid to the needs of disabled people, cyclists, pedestrians and people with young children;

### Impact on the Green Belt

In respect to the proposed change of use of the existing annex to an independent dwelling, I am satisfied, given that the building is already there and no extensions or alterations are proposed to the building, the change of use results in no greater impact on the open character of the Green Belt than the current situation.

I am also mindful that as the building was used as a residential annex to the main dwelling the building can be considered as being of a permanent and substantial construction which accords with the requirements of the National Planning Policy Framework 2012.

Whilst, I appreciate that the annex to the building may not have generated as many comings and goings to and from the site as potentially the proposed independent dwelling could, I am satisfied given the size of the annex building and its setting within a fairly large site, the proposal will not result in an over intensive use of the site or result in a detrimental impact on the Green Belt.

In respect to the proposed garage, although I am mindful that this would not fall within the criteria of development considered appropriate in the Green Belt as outlined in the NPPF. However, in my opinion, given its scale and positioning within the site, being set back from the road, I consider the proposed garage to be a limited curtilage building and it would therefore constitute appropriate development as defined in Policy ENV28 of the RLP. I am satisfied that it would result in no significant impact on the open character of the Green Belt and will be visually acceptable within the streetscene.

I also note that there is screening along the boundaries of the site, which will help to screen the proposed garage to a degree and lessen the prominence of the garage within the streetscene.

### Impact on neighbouring properties

In respect to the change of use of the existing annex to an independent dwelling, I am satisfied that as the building is existing and the relationship of the building remains the same with neighbouring properties there will be no undue impact on neighbouring properties in terms of any potential overbearing, overshadowing or overlooking impacts.

In regard to the use of the building as an independent dwelling I am satisfied that its use will result in no greater impact on neighbouring properties than its current use.

In my opinion I consider that the proposed garage, given its siting to towards the frontage of the site and its distance to neighbouring properties, this element of the scheme results in no undue overbearing or overshadowing impact on neighbouring properties.

I am also satisfied that the use of the garage, given its distance to neighbouring properties, will result in no potential disturbance to neighbouring properties.

## Highway Safety

I note that the Highway Authority has raised no objections to the proposal, following the receipt of confirmation that the independent dwelling and proposed garage would be accessed via the existing driveway and the orientation of the garage would be that the garage doors would face the annex building.

I am therefore satisfied that the proposal results in no undue impact on highway safety.

## Other Considerations

Whilst I note that the submitted plans indicate the proposed independent dwelling will have its own front and rear garden areas to serve it, no details have been submitted to show any proposed means of enclosure of the site. I consider therefore that should any means of enclosure be required in order to delineate the boundaries of the site for the proposed independent dwelling, these could be erected under permitted development or a further application could be submitted should the means of enclosure of the site exceed the limits of permitted development.

This would then allow the occupiers of the individual dwellings to decide if an open plan arrangement of the site is required or means of enclosure of the site are required.

I consider that should planning permission be granted for the proposals permitted development should be withdrawn from the application site relating to extensions to the property, alterations and additions to the roof and any curtilage buildings.

Accordingly, for the reasons set out above I recommend that planning permission be granted.

## **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 application forms received on the 13th May 2014, the plans

received on the 13th August 2014 and the e-mail and additional plan received on the 24th September 2014.

3. Before development is commenced there shall be submitted to and approved in writing by the Borough Council a sample of the materials to be used in the external elevations of the proposed garage. The development shall be constructed in accordance with the approved details.
4. Before development is commenced there shall be submitted to and approved in writing by the Borough Council precise details of the proposed access to the garage. The development shall be constructed in accordance with the approved details.
5. No works permitted under Class A, B, C and E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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 as 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 ensure the details of the development are satisfactory, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Saved Policies 2014).
4. To protect the amenity of adjoining and nearby dwellings, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Saved Policies 2014).
5. To protect the amenity of adjoining and nearby dwellings, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Saved Policies 2014).

### **Reasons for Decision**

The proposals are acceptable in terms of Green Belt policy, result in no undue impact on the open character of the Green Belt or neighbouring properties and are acceptable from a highway safety viewpoint. The proposals therefore accord with policies contained within the National Planning Policy Framework 2012, policy 10 of the Aligned Core Strategy (ACS) for Gedling Borough (September 2014) and policies ENV1 and ENV28 of the Gedling Borough Replacement Local Plan (Certain Saved

Policies 2014).

### **Notes to Applicant**

Planning 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.

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).