

Application Number: 2015/0920

Location: 9 Pennine Close, Bestwood, Nottinghamshire, NG5 9PT.



NOTE:
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Report to Planning Committee

Application Number: 2015/0920

Location: 9 Pennine Close, Bestwood, Nottinghamshire, NG5 9PT

Proposal: Change of use of land to residential curtilage

Applicant: Mr Justin Unthank

Agent:

Case Officer: Amy Cockayne

This application is being brought to Committee due to the application site being under the ownership of Gedling Borough Council.

Site Description

Located within the urban residential area of Bestwood, the application site is an area of unused land adjacent to a public footpath set between two dwellings – nos. 9 and 11 Pennine Close. The footpath connects Pennine Close and Sidlaw Rise. The site has a gradient with a steady incline from west to east. The area of land has a boundary with 9 Pennine Close delineated by established shrubbery and trees up to 2.5m in height.

Planning History

No previous planning history.

Proposed Development

The application seeks planning permission for the change of use of land to residential curtilage to an area of land located off Pennine Close in Bestwood. The applicants of the planning application are the occupiers of 9 Pennine Close, and the change of use of this area of land would provide an extension to the garden area of the property.

The land measures approximately 72m² in area.

It is also proposed that a 1.8m high close boarded timber fence is erected to the perimeter of the site subject to the change of use permission, to delineate the boundary of the residential property; 9 Pennine Close.

Consultations

Neighbouring properties were notified and one representation was received. The comments included:

- A neighbouring property is also interested in buying land close to this site; this application is seen as a potential risk to the loss of land within the boundary of a neighbouring property.
- The alleyway next to the property will be reduced and the enclose the footpath
 - Current issues with the footpath being well lit and safe when its dark
 - Boundary changes will reduce/obscure the line of sight along the alleyway
 - Illegal use of motorbikes and quadbikes
 - The Council should add bollards/prevention

Bestwood Parish Council were notified and have confirmed that there are no objections subject to any comments that might be received from local residents.

Gedling Borough Council Parks and Street Care and Estates departments were notified and no responses have been received.

Planning Considerations

In my opinion, the main planning considerations in the determination of this application are the impact on residential amenity of neighbouring properties and visual impact of the proposal on the character and appearance of the locality.

At the national level, the National Planning Policy Framework (March 2012) 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 policies are relevant to the application:

National Planning Policy Framework:
Part 7 – Requiring good design

Gedling Borough Council Replacement Local Plan (Saved Policies 2008):
ENV1 – Development Criteria
H10 - Extensions

Gedling Borough Council Aligned Core Strategy 2014:
Policy 10 – Design and Enhancing Local Identity

There is not considered to be any Highways impact through the development as the proposal would not affect the existing highway network in the locality.

In accordance with Local Plan saved policies, development should be in keeping with the scale and character of the existing dwelling and its wider setting and should not cause unacceptable harm to the amenity of neighbouring residents.

I am satisfied that the increase of residential curtilage to 9 Pennine Close would

cause no harm to the character of the locality. I am also of the opinion that the positioning of a new 1.8m timber fence to the new boundary of the residential curtilage with the existing footpath would not be unduly detrimental to the visual amenity of the wider setting.

The comments received through resident consultation relating to the impact upon the safety of users of the footpath have been carefully considered. The footpath adjacent to the application site is currently overgrown by vegetation, which would be replaced with new timber fencing if the application is approved. It is considered that the provision of the footpath to be used as an access for local residents in the immediate area would not be adversely affected and the development would not result in any undue detriment to the sense of safety and security of pedestrians/cyclists. It is advised that any concerns relating to the unlawful uses as stated by the residents should be passed on to the relevant bodies.

In terms of impact upon residential amenity of neighbouring dwellings, there are no concerns that the change of use of land would be detrimental to the amenity of neighbouring occupants by way of overlooking, overshadowing or overbearing development.

For the reasons set out above, I am satisfied the proposed development accords with Saved Policies ENV1 of the Gedling Borough Replacement Plan as well as the NPPF. It is therefore recommended that planning permission is granted.

Recommendation:

To grant conditional planning consent.

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. This permission shall be read in accordance with the following plans: Site Location Plan and the proposed fencing as shown on 'Side view of the house', both received by the Local Planning Authority on 21 July 2015. The development shall thereafter be undertaken in accordance with these plans 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 and to define the terms of this permission.

Reasons for Decision

In the opinion of the Borough Council the proposed development is visually

acceptable, results in no significant impact on neighbouring residential properties and amenities, and results in no unduly detrimental harm to the character and setting of the locality. The proposal therefore accords with Policy 10 (Design and Enhancing Local Identity) of the Aligned Core Strategy 2014 and saved Policies ENV1 (Development Criteria) and H10 (Extensions) of the Gedling Borough Replacement Local Plan.

Notes to Applicant

The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. Discussions have taken place during the consideration of the application to address adverse impacts identified by officers and/or address concerns raised in letters of representation submitted in connection with the proposal. The application for planning permission is subsequently approved subject to conditions.