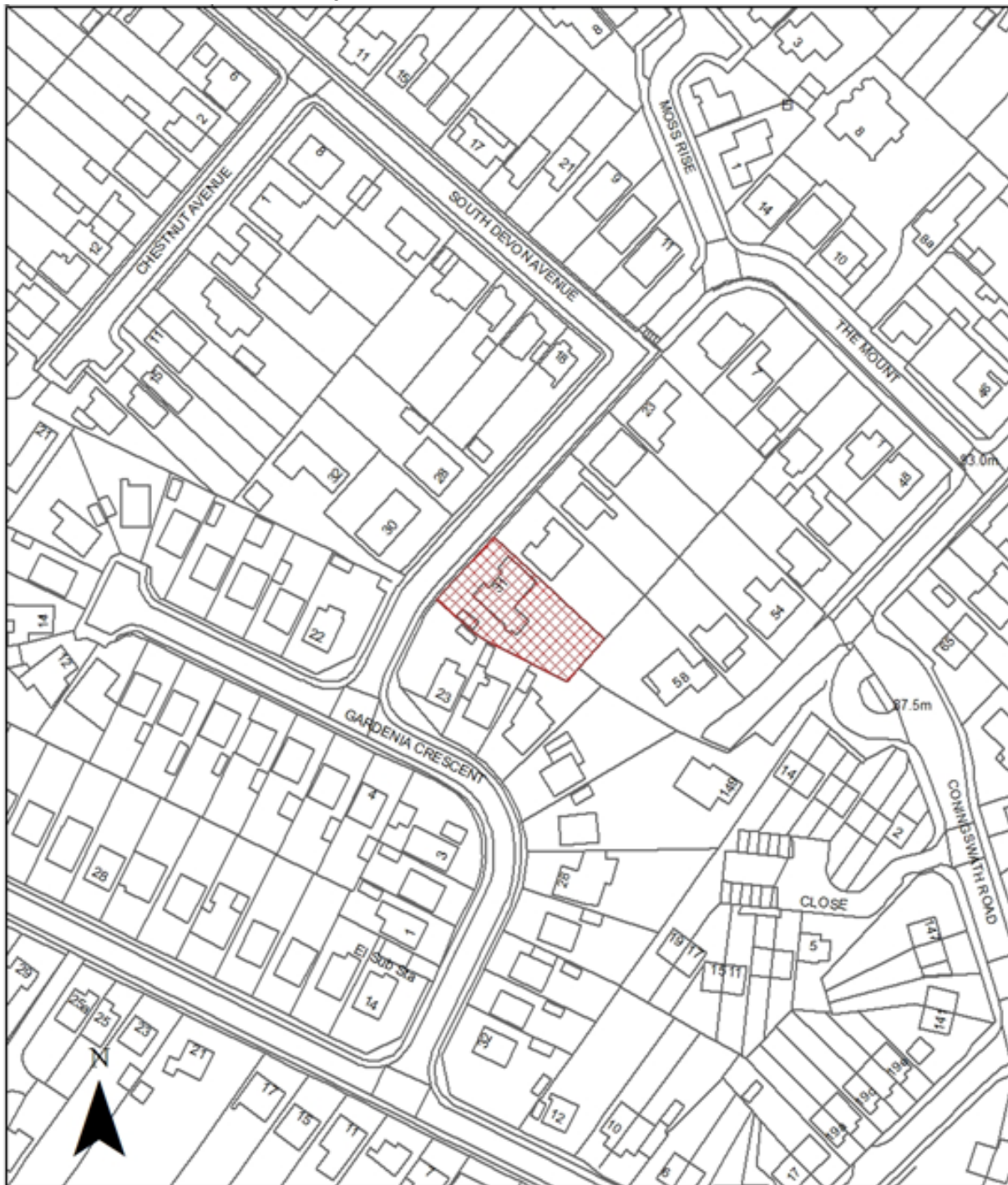




Application Number: 2015/1190

31 South Devon Avenue, Mapperley, Nottinghamshire, NG3
6FT.

Location:



NOTE:

This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Report to Planning Committee

Application Number: 2015/1190

Location: 31 South Devon Avenue, Mapperley, Nottinghamshire, NG3 6FT.

Proposal: Demolition of existing dwelling and construction of a physical disabilities dwelling.

Applicant: Mr Marcel Beasley

Agent: Mr Richard Whiting Calderpeel Architects

Case Officer: Alison Jackson

Site Description

The application site relates to 31, South Devon Avenue, Mapperley a bungalow which is set back from the road. The site slopes downwards from the front to the rear. No. 29 is set at a lower level than the application site and is a hipped roof dormer property. The rear boundaries of the properties on Gardenia Crescent adjoin the side boundary of the application site. These properties have gables to the rear with windows in the gable ends.

Proposed Development

Planning permission is sought for the demolition of the existing dwelling on the site and the erection of a new dwelling on the site. The dwelling is proposed to be constructed as a physical disability dwelling.

The dwelling would be single storey in height with accommodation within the roof space.

The dwelling would provide five bedrooms with one being for a carer to stay at the property.

The dwelling would be sited roughly in line with no. 29 South Devon Avenue.

The height of the proposed dwelling would be the same height as the existing dwelling which is proposed to be demolished.

The dwelling would provide an integral garage with a driveway to the frontage of the site.

Consultations

NCC Highway Authority – no objections.

Local residents have been notified by letter and a site notice has been posted – I have received 12 letters of representation as a result, the contents of which are summarised below:

- ☐ Concerns that the application site is not all within the ownership of the applicant.
- ☐ Concerns regarding what boundary treatments will be provided at the site.
- ☐ Concerns regarding land stability and potential damage to neighbouring properties.
- ☐ Out of character, scale, height and proportion with neighbouring properties.
- ☐ The dwelling with accommodation within the roof would be an incongruous feature in the streetscene.
- ☐ Overbearing and out of line with neighbouring properties.
- ☐ Dominant impact.
- ☐ Highway safety issues.
- ☐ Concerns that the proposal could be a commercial enterprise.
- ☐ Concerns over the height of the dwelling.
- ☐ Over intensive use of the site.
- ☐ Will the car parking bays be independently accessed.
- ☐ The road is narrow which could result in problems in terms of access for someone with a disability.
- ☐ The dwelling should not be demolished just refurbished.
- ☐ Loss of privacy.
- ☐ A bungalow on a level site would be the better option.
- ☐ The property is too close to neighbouring properties.

Planning Considerations

The main considerations in the determination of this planning application are whether the proposal is an acceptable form of development on the site, the impact on neighbouring properties and the area in general and whether there are any highway safety implications arising.

The relevant national policy guidance in respect of these matters is set out in the National Planning Policy Framework (March 2012). At the heart of the NPPF is a presumption in favour of sustainable development. The core principles set out in the guidance states at paragraph 17: -

Planning should: ‘proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs’.

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

- 6. Delivering a wide choice of quality homes (paragraphs 47 – 55)
- 7. Requiring Good Design (paragraphs 56 – 68)

When delivering sustainable development paragraph 19 states:

‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.’

Section 7 of the NPPF states inter-alia; that good design is a key aspect of sustainable development and that it should contribute positively to making places better for people. Developments should function well and add to the overall quality of the area, respond to local character and history, reflecting the identity of local surroundings and materials and be visually attractive as a result of good architecture and appropriate landscaping.

Gedling Borough adopted the Gedling Borough Aligned Core Strategy (GBACS) on 10th September 2014 and this now forms part of the Development Plan along with certain policies saved contained within the Gedling Borough Council Replacement Local Plan referred to in Appendix E of the GBACS.

- ☐ Policy 10 - Design and Enhancing Local Identity.

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: -

- ☐ Policy ENV1 – Development Criteria.
- ☐ Policy H7 – Residential Development on Unidentified Sites within the Urban Area and Defined Village Envelopes.
- ☐ Policy H16 – Design of Residential Development.

As the site is situated within the urban area there are no objections in principle to the development of the site for residential purposes.

In my opinion the proposed dwelling would complement the character of the area and would not be detrimental to the area in general.

I am satisfied that the proposed development of the site does not result in an over intensive use of the site.

I am satisfied, given the siting of the dwelling and its relationship with neighbouring properties there would be no undue impact on neighbouring properties in terms of any overbearing, overlooking or overshadowing impacts.

In respect to the height of the proposed dwelling, given that the overall height of the dwelling will be the same as the height of the existing dwelling to be demolished, I am satisfied that the height of the dwelling will be acceptable within the streetscene and will not result in a dominant impact on the streetscene.

I note that the Highway Authority has raised no objections to the proposed

development of the site. Given this I am satisfied that the development of the site is satisfactory and would result in no undue impact on highway safety.

I am satisfied that there is adequate provision of off road car parking on the site to serve the proposed dwelling.

I note that concerns have been raised in respect to land ownership of the site and would confirm that this issue was raised with the applicant's agent who confirmed that all the land to which the application relates is within the ownership of the applicant. The Agent comments that the thickness of the line outlining the application is the reason why it appears that the application site is encroaching onto neighbouring land. I have checked this issue with the concerns raised and I am satisfied that this is indeed correct.

In respect to the boundary treatments to the site, I would suggest that should permission be granted a condition is attached requiring the precise details of all boundary treatments to be submitted for approval. This will ensure that the boundary treatments at the site are appropriate and protect privacy to neighbouring properties and the proposed dwelling.

The queries regarding land stability would be dealt with under a building regulations application.

Damage to neighbouring properties would be a private legal matter between the parties concerned.

The proposed dwelling, whilst providing accommodation for a carer, would remain as a single dwelling house and is not proposed to be used as a commercial enterprise in terms of the number of residents being cared for at the site.

Accordingly, I am satisfied that planning permission should be granted for the proposal.

Recommendation:

To **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 built in accordance with the details as set out within the application forms received on the 2nd October 2015 and the plans received on the 2nd October 2015.
3. Before development is commenced there shall be submitted to and approved by the Borough Council precise details and samples of all materials to be used in the external construction of the proposed dwelling. Once these details are approved the dwelling shall be built in accordance with these details

unless otherwise agreed in writing by the Borough Council as Local Planning Authority.

4. Before development is commenced there shall be submitted to and approved by the Borough Council precise details of the means of enclosure of the site. Once these details are approved the development shall be carried out in accordance with the approved details. The proposed means of enclosure shall be erected before the dwelling is first occupied, and shall thereafter be retained unless alternative means of enclosure are agreed in writing by the Borough Council as Local Planning Authority.
5. The rendered sections of the dwelling shall be completed before the development is 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 materials to be used in the construction of the dwelling are appropriate, in accordance with the aims of Policy ENV1 of the Borough Council Replacement Local Plan. (Certain Saved Policies 2014).
4. To ensure that the means of enclosure of the site are appropriate in terms of appearance and protect the privacy of the proposed and neighbouring dwellings, in accordance with the aims of Policy ENV1 of the Borough Council Replacement Local Plan. (Certain Saved Policies 2014).
5. To ensure that the dwelling is visually acceptable in accordance with the aims of Policy ENV1 of the Borough Council Replacement Local Plan. (Certain Saved Policies 2014).

Reasons for Decision

The proposed development of the site would result in no undue impact on neighbouring properties, the area in general and there are no highway safety implications arising from the proposal. The proposal therefore accords with policies ENV1, H7 and H16 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014), the National Planning Policy Framework March 2012 and the Aligned Core Strategy for Gedling Borough.

Notes to Applicant

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.

You are advised that planning permission does not override any private legal matters which may affect the application site, over which the Borough Council has no jurisdiction (e.g. covenants imposed by former owners, rights of light, etc.).

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 PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

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. 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.