

PLANNING COMMITTEE – 18 JANUARY 2022

Application No:	21/02261/FUL
Proposal:	Proposed alterations to No.81 Lincoln Road and erection of new dwelling.
Location:	81 Lincoln Road, Newark, NG24 2BU
Applicant:	Mr Robert Chambers-Asman
Agent:	N/A
Registered:	20.10.2021 Target Date: 15.12.2021 Extension of time agreed until: 21.02.2022
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation and it has been called to Committee by two Ward Members.

The Site

The application site sits just south of the junction with Gainsborough Drive and relates to the gardens to the rear of no.79 and 81 Lincoln Road, a pair of semi-detached two-storey properties with long, narrow, gardens approximately 78m in length. To the side and rear of No 81 Lincoln Road is a garage that serves the dwelling. The property to the north, on the other side of No 81, is a bungalow, which is positioned approx. 1m off the common boundary and has a habitable room window in the south side elevation facing onto the existing driveway of No 81.

The rear garden between no.79 and 81 is not defined by a boundary demarcation but the periphery contains a mixture of 1-1.8m high fencing in the whole.

The rear garden of No 79 currently contains a large rendered outbuilding/garaging/workshop close to the shared boundary with no.77 Lincoln Road, to the south-west.

This side and part of Lincoln Road is characterized by both two storey and bungalow development, with predominantly undeveloped long rear gardens to the south. However, there are a cluster of 4 bungalows immediately to the north of the site, to the rear of Nos 85 and 87 (both bungalows) set back from Lincoln Road and served by a private drive. Beyond those bungalows to the north is a two-storey dwelling that sits behind No 89 (a two storey dwelling), served by a private drive from Lincoln Road.

The site is within the defined Newark Urban Area.

Relevant Planning History

No. 79 Lincoln Road

16/00576/FUL Householder application for demolition of garage and outbuildings and erection of two storey side extension, single storey rear extension, new rear store and boundary wall/gates
Approved 12.07.2016

The Proposal

The application seeks full planning permission for a single storey, almost full width, rear extension with lean-to roof to no.81 Lincoln Road and the erection of a 1.5 storey, L-shaped, detached three bedroom dwelling within the rear curtilages of no. 79 and 81 Lincoln Road. The dwelling would be positioned 1m off the common rear garden boundary with No 77 to the south. The new dwelling would be accessed by utilizing and amending the vehicular access serving no.81 Lincoln Road, which would extend along the northern boundary of the rear garden.

Approximate dimensions of the proposal:

Extension to 81 Lincoln Road

4.9m (depth) x 6.2m (width) x 4.1m (ridge) x 2.7m (eaves)

New dwelling

13.0m (width) x 18.9m (length) x 6.5m & 5.5m (ridge) x 3.2m & 2.8m (eaves).

A parking area is shown to be provided to the front of No 81 to serve that dwelling, and the new dwelling would be served by two garaged spaces incorporated within the existing rear outbuilding, where a turning head is also provided at the end of the driveway.

The application has been considered on the basis of the following plans and documents:

DRWG no. 2101-01 Rev A Existing site plan;
DRWG no. 2101-02 Rev A Existing floor plans;
DRWG no. 2101-03 Rev A Existing elevations;
DRWG no. 2101-04 Rev C Proposed site plan;
DRWG no. 2101-05 Rev A Proposed floor plans no.81 Lincoln Road;
DRWG no. 2101-06 Rev A Proposed elevations no.81 Lincoln Road;
DRWG no. 2101-08 Rev C Proposed floor plans;
DRWG no. 2101-09 Rev C Proposed elevations;
DRWG no. 2101-10 Rev C Proposed elevations;

Departure/Public Advertisement Procedure

Occupiers of 10 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 7 - Sustainable Transport
Core Policy 9 - Sustainable Design
Core Policy 12 – Biodiversity and Green Infrastructure
NAP1 - Newark Urban Area

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM5 – Design
DM6 – Householder Development
DM7 – Biodiversity and Green Infrastructure
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2021
Planning Practice Guidance
National Design Guide – Planning practice guidance for beautiful, enduring and successful places
September 2019
Residential Cycle and Car Parking Standards & Design Guide SPD June 2021
Householder Development SPD 2014

Consultations

Newark Town Council – 02/12/2021 It was agreed to sustain this Committee's original Objections to this application but with a slight amendment to point i) as follows:

- i) Loss of amenity for neighbours, in particular, boundary treatments with adjacent property No. 83.
- ii) Not in keeping with the surrounding area.
- iii) Back-land development.
- iv) Would set a precedent for any future developments in the area.

29/10/2021 object to this application on the following grounds:

- i) loss of amenity for neighbours;
- ii) not in keeping with the surrounding area;
- iii) back-land development
- iv) would set a precedent for any future developments in the area.

Nottinghamshire County Council Highway Authority - The applicant has submitted a revised Drawing (2101-04 Rev B). This arrangement is a vast improvement over the original. The access driveway is now straight improving maneuverability within the site. There is also a turning head at the top of the driveway.

The existing access is to be used widening to 4.5m, the applicant does not state that the dropped kerb will need to be widened. The Highway Authority would not wish to raise objection.

In our original comments we requested swept path analyses for emergency appliances, these were not submitted. Whilst this does change the rest of our comments, and overall recommendation of no objection. We would recommend consulting both the Building Regulation Officer and the Fire

Service to ascertain that all requirements with regards to fire safety are met and the development can be tended by a fire appliance.

This includes widths for the whole length of the driveway including the pinch point between the house and neighbouring wall which is shown at 3m.

East Midlands Building Consultancy - The proposal needs some mitigation as a fire engine should have road access 3.7m wide.

If the fire engine parked on the drive it would need to be within 45metres of all parts of the proposed bungalow, and this does not appear to be the case.

However this distance may be doubled if the new property has a sprinkler system fitted throughout. This can be managed through a Building Regulations application.

Four representations have been received from two neighbouring properties which can be summarised below:

- Building is close to existing windows, boundary fence should be returned;
- Building is over 6.6m high and over 19.5m in length within 0.5m of the boundary, overshadow their bungalow and garden;
- Nearest properties are all bungalows;
- Is a septic tank to be used?;
- Not adequate space to pass domestic and commercial vehicles past our property;
- No space for lorries during construction;
- Conflict with the intensified use of the access and the neighbouring property access rights due to lack of fence and tightness of the relationship;
- Not in-keeping with the surrounding properties;
- Backland development.

Comments of the Business Manager

The application is formed of two elements 1) the extension to no.81 Lincoln Road, and 2) the erection of the dwelling within the rear garden of no.79 and 81. These matters, although they are on the same application, will be discussed separately below.

1) Extension to no. 81 Lincoln Road

Principle of development

Householder developments are acceptable in principle subject to an assessment of numerous criteria outlined in Policy DM6 of the DPD. These criteria include the provision that the proposal should respect the character of the dwelling and surrounding area and have no adverse impact upon the amenities of neighbouring properties from loss of privacy, light and overbearing impacts.

Furthermore Policy DM6 states planning permission will be granted providing the proposal “respects the character of the surrounding area including its local distinctiveness and the proposal respects the design, materials and detailing of the host dwelling.” The Council’s SPD states the addition should respect and is balanced with the scale and proportions of the host dwelling, and is well related to the characteristics of the application site in terms of its size and shape (para 7.4).

Impact on character and appearance

Policy DM5 of the ADMDPD states that the character and distinctiveness of the District should be reflected in the scale, form, mass, layout, design, materials and detailing of the development.

The rear extension would extend virtually the entire width of the rear elevation and would match the depth and lean-to form of the existing rear addition of the adjoining dwelling and single storey in scale.

The materials are proposed to match that of the main dwelling which is render and the roof would be finished in slate.

Due to the use of materials and the design of the extension, and the positioning to the rear of the property, it is considered the form and scale would not have any detrimental impact upon the character of the surrounding area. The development although cumulatively large in footprint, would not dominate the dwelling.

The proposal is considered to adhere to the development plan.

Residential Amenity

Policy DM6 of the DPD states planning permission will be granted for development provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy, light and overbearing impact.

Due to its siting, scale and the presence of the extension to no.79, it would not have any detrimental impacts on neighbour amenity.

There are no windows proposed in the side elevation of the extension and it is not considered that the proposal would result in harm from direct overlooking to neighbouring properties.

The siting and the scale of the extension to the dwelling is such that no unacceptable harm would result from loss of light, privacy or overbearing impacts upon adjoining occupiers.

This is therefore in accordance with Policy DM5 and DM6 of the ADMDPD, the National Planning Policy Framework and in the Council's Householder Development SPD which are material planning considerations.

2) Erection of the dwelling

Principle of Development

Spatial Policy 1 of the Core Strategy outlines the settlement hierarchy for the District identifying the Newark Urban Area as the sub-regional centre. It is intended that the Newark Urban Area be the main focus for housing and employment growth in the District. As such residential development within the site is acceptable in principle provided the proposal accords with the remainder of the development plan.

Impact on Character and Appearance

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 mirrors this.

The site as existing is used as functional garden space for no.79 and 81. The proposal would comprise backland development which is generally resisted by policy DM5 of the Allocations and Development Management DPD. This states proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area and would not set a precedent for similar forms of development. Inappropriate backland development will be resisted.

The area is characterized by long thin plots with dwellings fronting the main highway, Lincoln Road. Whilst this is largely retained to the south of the application site, to the north, backland development already exists in the form of 4 single storey properties. There are also some other examples of backland development along Lincoln Road, that are mainly one property behind another (for example to the rear of 93 Lincoln Road to the north). Therefore, whilst from a design and layout perspective backland development is resisted as being harmful to the character of an area, in this particular case, it is considered that the local planning authority may struggle to defend a reason for refusal based on the harm to the character and appearance of the area alone given the layout of existing development immediately to the north.

Overall, I consider that the design of the final scheme is acceptable and conclude that the development of this plot in this way would not be unacceptably harmful to the character or appearance of the area or the street scene, thus according with the policies identified above.

Highway Safety

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

Two spaces are proposed for the new three bed unit, which would meet the standards in terms of the quantum of spaces required in accordance with the Residential cycle and car parking standards SPD. The parking would be specified within the existing outbuilding to the rear of the site which would also include provision for cycle storage.

The proposal includes the utilization of the existing vehicular access serving no.81 which is currently 3m in width where it adjoins the highway. The proposal seeks to increase this to 4.5m wide which is considered acceptable to the Highway Authority. Vehicles are also able to manoeuvre within the site and exit in a forward gear. On this basis the proposal would not likely result in any unacceptable level of increased danger to highway users.

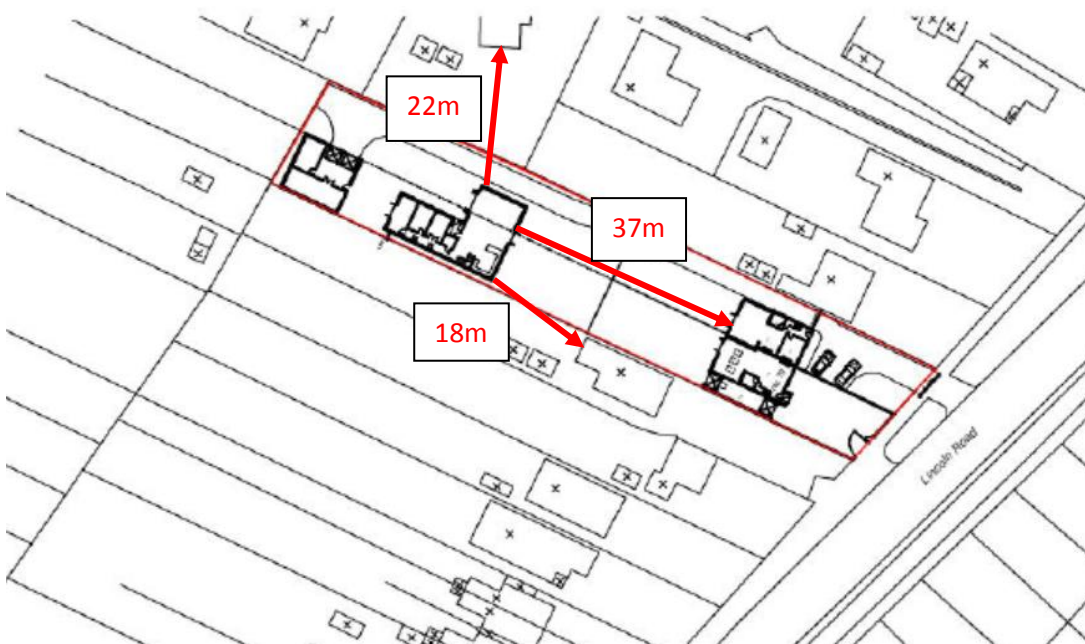
The main concern, which has been raised by residents is the access to the site for emergency and construction vehicles due to the narrowness of the access between the side elevation of no. 81, and the boundary with no.83. This is shown on the submitted drawings as approximately 3m wide. Having consulted with colleagues in Building Control (which is shown in full in the Consultation Section) they state that although the width would not allow emergency vehicle access, matters of fire prevention would be resolved through the associated building regulations application. Such concerns relating to the access of emergency service vehicles to the new dwelling would not therefore represent a reasonable reason for refusal by the local planning authority as this is a

matter covered by other legislation through which such matters can be adequately controlled and resolved.

On this basis the proposal is compliant with Spatial Policy 7 and the relevant elements of Policy DM5 and the Residential cycle and car parking standards SPD and as such is acceptable in highway safety terms.

Impact on Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers. Indeed seeking to secure a high standard of amenity for existing and future users as set out in paragraph 130 of the NPPF.



The siting of windows is such that it is not considered to result in direct harm through loss of privacy subject to the imposition of suitable boundary treatments. A dormer window is proposed in the rear elevation of the principle section which would face west along the rear garden serving the proposed dwelling. Due to its siting and the distance (illustrated above), it is not considered that this would afford direct views to neighbour's private amenity space at no.87c (22m directly to the north). As originally submitted, the proposed dwelling stood adjacent to the northern boundary with No 87c but amendments were sought and the positioning altered to be adjacent to the southern boundary of the site. There is a small rooflight in the east facing roofslope of the principle section that serves an en-suite which is conditioned to be obscurely glazed and fixed shut to protect the privacy of No 77 to the south.

Although positioned in close proximity to the common boundaries of gardens, it is considered that the scale, the principle element 3.2m to eaves and 6.5m to ridge and the rear projection 2.8m to eaves and 5.5m to ridge, and its positioning relative to existing properties would not result in unacceptable loss of light or overbearing impacts on the living environment of neighbours, to warrant refusal.

One neighbour has raised concerns with regard to the lack of boundary between the application site and no.87c, however if Members are minded to approve the proposal, suitable boundary

treatments could be conditioned which would also improve the amenity for both existing and future occupants.

A resident at no.83 has raised concerns over the intensification of the use of the driveway and the impact upon their existing window which faces onto the driveway of No 81. The existing scenario on site shows the existing driveway of No 81 serving a garage that sits to the rear of the house. It must be acknowledged therefore that the relationship between the existing driveway allowing vehicles to access the garage already exists. The proposal would provide parking for the existing property at No 81 to the front of the property, therefore removing the need for these vehicles to use the existing driveway. As such, the driveway would only be used to serve the new dwelling and therefore there would be no further intensification beyond that which already exists. As such, it would be considered difficult to sustain a reason for refusal on the intensification of the use and its impact on the neighbour's existing window. Furthermore, as set out below, a condition requiring details of boundary treatments to include the boundary between the application site and the building at No 83 can be imposed to assist in improving the relationship and indeed the safety they refer to when exiting their door. However, it is acknowledged that during the construction period, the only way in and out of the site is via this access and as such, the process needs to be appropriately managed to minimize disruption. A condition has also been imposed therefore to require a Construction Method Statement to be submitted and approved.

In terms of future users of the site, it is considered that the proposal provides an adequate level of private amenity space to serve the dwelling.

All of the concerns raised by residents have been given due consideration however on balance, it is not considered that the proposal would result in an unacceptable level of harm to neighbour amenity that would warrant refusal of permission in this case and as such that the proposal meets with the provisions of the development plan.

Conclusion

Located in the Newark Urban Area, the principle of development is acceptable. It has been concluded that the site could accommodate a detached dwelling without adversely affecting the character of the area given the presence of existing backland development to the north of the site. Matters of highway safety and residential amenity have been carefully considered but it is concluded that the proposal is acceptable and approval is recommended to Members subject to the following conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions.

Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans reference:

DRWG no. 2101-04 Rev C Proposed site plan;
DRWG no. 2101-05 Rev A Proposed floor plans no.81 Lincoln Road;
DRWG no. 2101-06 Rev A Proposed elevations no.81 Lincoln Road;
DRWG no. 2101-08 Rev C Proposed floor plans;
DRWG no. 2101-09 Rev C Proposed elevations;
DRWG no. 2101-10 Rev C Proposed elevations

Reason: So as to define this permission.

03 – Materials (dwelling)

No development above damp proof course shall take place in the construction of the dwelling, until manufacturers details (and samples upon request) of the external facing materials (including colour/finish) have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

04 – Materials (extension)

The materials and the colour of such, to be used in the construction of the extension to no.81 Lincoln Road, hereby approved shall match those corresponding materials in terms of the colour, type and finish to those on the existing dwelling.

Reason: In the interests of visual amenity.

05 - PD

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class C: Any other alteration to the roof of a dwellinghouse.

Unless consent has firstly be granted in the form of a separate planning permission.

Reason : To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 or any amending legislation) and in order to safeguard the amenity of neighbours.

06 - Boundary treatments

No part of the development shall be brought into use until details of all the boundary treatments proposed for the site (which shall include treatment between the application site and the side elevation of the existing building at No 83) including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved boundary treatment shall be implemented prior to the occupation of the new dwelling and shall then be retained as such for the life of the development.

Reason: In the interests of residential and visual amenity.

07 - Landscape

Prior to first occupation of the new dwelling hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;

car parking layouts and materials;

other vehicle and pedestrian access and circulation areas;

hard surfacing materials.

Reason: In the interests of visual amenity and biodiversity.

08

The approved soft landscaping shall be completed during the first planting season following the first occupation/use of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation or use.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

09 - Highways

No occupation of the new dwelling hereby approved shall take place until:

- a) the access driveway is constructed to a width as shown on drawing no. 2101-04 Rev C (proposed site plan);

- b) The new driveway is provided in a hard-bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary. The surfaced driveway shall then be maintained in such hardbound material for the life of the development;
- c) the parking and turning areas are provided in accordance with approved drawing no. 2101-04 Rev C (proposed site plan). The parking and turning areas shall not be used for any other purpose other than the parking and turning of vehicles.

Reason: In the interests of highway safety.

010 – Obscurely glazed

The rooflight opening on the south-east facing roofslope shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties.

011 – Construction Method Statement

No development shall be commenced, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing, by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. wheel washing facilities;
- v. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- vi. confirmation of hours of construction and deliveries to site.

Reason: In the interests of residential amenity.

Note to Applicant

01

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

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.

03

The development may make it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA in partnership with NCC tel: 0300 500 8080 to arrange for these works to be carried out.

BACKGROUND PAPERS

Application case file.

For further information, please contact Lynsey Preston on extension 5329.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 21/02261/FUL

