

PLANNING COMMITTEE – 3 JULY 2018

Application No:	18/00711/FUL	
Proposal:	Application for the removal/variation of conditions 01 and 02 attached to application 17/00214/FUL for Two Detached Dwellings.	
Location:	Highfield Farm, High Street, South Clifton, Newark On Trent, Nottinghamshire, NG23 7AD	
Applicant:	Mr Stuart Kinch	
Registered:	13 April 2018	Target Date: 8 June 2018

This application is before the Planning Committee for determination as the officer recommendation differs from the views of the Parish Council.

The Site

The land is located to the south side of Vicarage Road and to the west of Coal Yard Lane forming a building plot to the east of Highfield Farm and to the south of Highfield Cottage. The land once formed part of the farmyard to Highfield Farm. To the north of Vicarage Lane, Bonnington, are grade II listed buildings. The site is located on the edge of South Clifton and within the defined Conservation Area.

The application site has been sectioned off by a post and rail fence and has two access points, one from Vicarage Road and one from Coal Yard Lane. The site is relatively open beyond the boundary fencing and has the general appearance of a building plot. To the north east of the plot is Highfield Cottage which is a detached dwelling facing east/west and is screened by hedgerows and mature planting. Further to the east, on the opposite side of Coal Yard Lane, are detached single storey dwellings. Highfield Farm house lies to the west, which is a two storey traditional farm house and outbuildings.

Relevant Planning History

17/01892/FUL - Variation of condition 2 attached to planning permission 17/00214/FUL – Approved 07.12.2018 – *This permission approved the change of the roof tiles for both approved dwellings from pantiles to natural slate.*

17/00214/FUL – Two detached dwellings – Approved 04.07.2017

12/01691/FUL - Mixed use development of 3 live-work units and erection of 3 dwellings with access from Vicarage Lane and Coal Yard Lane – Withdrawn 25.02.13

10/01729/FUL - Erection of 4 No. detached houses and garages, together with associated works – refused 16.02.11

08/00486/FULM - Construct four 2 bedroom starter units in terrace and six new detached

dwelling with garages – Refused 28.07.08

07/00214/FUL – Two Detached dwellings – Approved 04.07.2017

The Proposal

The proposal is to vary conditions 1 & 2 of planning consent 17/00214/FUL.

Condition 1 relates to the time limits for commencing development. The application states that condition 1 is incorrect in that it refers to the wrong date to commence development.

Condition 2 relates to the approved plans. The amendments proposed relate to plot 2 only and the changes proposed can be summarized as:

- A widening of the gable end of the main two storey part of the dwelling, which increases the ridge height by circa 300mm;
- The addition of a single storey sun lounge extension;
- Ground floor amendments and revisions including gable windows;
- First floor amendments including the removal of the 5th bedroom on this storey and its re-positioning within the roof space which maintains the '5 bedroom' local need;
- The roof space to be served by rooflights;
- Increase in gable width to the two step down elements to the north of the main dwelling by approx. 0.9m, increasing the ridge height of the corresponding step down sections by between approx. 0.3 and 0.4m.

Public Advertisement Procedure

Occupiers of five properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Policies relevant to this application:

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 3 – Rural Areas
- Spatial Policy 7 - Sustainable Transport
- Core Policy 9 - Sustainable Design
- Core Policy 14 - Historic Environment

Allocations and Development Management DPD (adopted July 2013)

Policies relevant to this application:

- DM5 – Design
- DM9 – Protecting and enhancing the historic environment

Other Material Considerations

National Planning Policy Framework (NPPF) 2012
Spatial Policy 3 Guidance Note

Consultations

South Clifton Parish Council - "South Clifton Parish Council discussed the following three planning applications at the parish council meeting last evening 21st May 2018. Without any objections we supported all three and voted to support them.

The three applications are:

18/00711/ful - Highfield Farm
18/00718/ful - The Rustics, Back Street
18/00738/ful - Wheelgate, Vicarage Road"

N&SDC Conservation - "The proposal seeks to address an administrative error on condition 1 and to vary the approved plans (condition 2). These revisions affect plot 2 and include:

- A widening of the gable end of the main two storey part of the dwelling, which increases the ridge height by circa 300mm;
- The addition of a single storey sun lounge extension;
- Ground floor amendments and revisions including gable windows;
- Second floor amendments revisions including the removal of the 5th bedroom on this storey and position in the roof space which maintains the '5 bedroom' local need;
- The roof space to be served by rooflights.

These amendments are shown in the revised drawings ARQ/1014/03 Rev C (to replace ARQ/1014/03 Rev B) and ARQ/1014/06 Rev E (to replace ARQ/1014/06 REV C).

Conservation is concerned by the increase in gable width and height to the ridge of the main building. Although we acknowledge that the increase in ridge height is only 300mm, the gable increase is nearly a metre, and combined, the increases result in a dominating appearance. The reduction in the chimney stack size does not help in this regard. In the original scheme, we sought to achieve the appearance of a modestly scaled traditional 2 storey cottage; the current proposal will increase the dimensions to the extent that the new dwelling will have a potentially dominating impact on the street scene."

No representations have been received from any local residents/interested parties.

Comments of the Business Manager

An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can

be varied.

On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should not be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

Whilst an application should define which condition the variation is being sought, the determining authority have the power to vary or remove other conditions as they are granting a new planning consent.

I consider all of these below.

Variation of Condition 1

The application proposes a change to condition 1 of 17/00214/FUL which states;

“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.”

Based on the wording of this condition I do not consider there to have been any error in the drafting of this condition which I consider is clear and accurate providing 3 years from the date of the permission to begin development thus giving until 3rd July 2020 to implement the permission. I note the applicant has referred to an error in the drafting of Condition 1 of 17/01892/FUL in their application form but there is no facility to mix and match the varying of conditions across two consents.

Given the existing Condition 1 of this permission, there is ample time for the applicant to implement this permission and in any case, National Planning Practice Guidance confirms that planning permission cannot be granted under section 73 to extend the time limit within which a development must be started. (Paragraph: 014 Reference ID: 17a-014-20140306). On this basis condition 1 imposed on either of the aforementioned permissions cannot be amended and in the case of this S73 application it doesn't need to be.

Variation of Condition 2

The plans of the extant 2017 consent (17/00214/FUL) are controlled by condition 2. This proposal seeks to vary that condition through the substitution of a new set of plans providing for a number of alterations as noted above that would increase the scale and footprint of the dwelling approved on plot 2 only. The proposed changes have been detailed on revised plans ARQ-1014-03 C & ARQ-1014-06 E. I will assess each change proposed in turn as follows:

- A widening of the gable end of the main two storey part of the dwelling, which increases the

ridge height by circa 300mm.

This change is considered to be the largest change proposed and unfortunately I do not consider the increase in gable width proposed, at 0.79m over that previously approved, to be acceptable. In referring to the original officer report that recommended approval for the original scheme approved under 17/00214/FUL it is clear that the main gable width was a matter that was considered carefully by officers and amendments to the gable width were sought during the lifetime of that application to reach a satisfactory outcome. This consideration is again commented upon by the conservation team in commenting on this amendment where it is noted that: *"In the original scheme, we sought to achieve the appearance of a modestly scaled traditional 2 storey cottage; the current proposal will increase the dimensions to the extent that the new dwelling will have a potentially dominating impact on the street scene."*

The original plans submitted for 17/00214/FUL illustrated a 6.97m wide gable which was increased to 7.53m following amendments. To be clear a 7.53m gable was then approved. I note that in balancing the approval of the original application the need for a 5th bedroom by the applicant was noted at the time and that after re-consulting the conservation team on the amended plans no objection was raised. It is important to note however that the original comments from the conservation team sought a reduction in the gable width from the original 6.97m but the Officer took the view that a 7.53m gable was still acceptable.

The proposal in front of Members now proposes an increase of 0.79m over the approved 7.53m main gable. I concur with the comment provided by the conservation officer in relation to the application and find that the increased gable width will alter the appearance of the building and create a harmful impact on the street scene by presenting a larger modern executive scaled dwelling that is further from the traditional scale of the dwelling first approved. As a point of reference I notice that the adjacent Highfield cottage has a gable width of approx. 6.1m. The increase in gable width proposed also alters the height of the main part of the dwelling proposed with an increase from approx. 8.6m to 8.9m. My measurements are taken from the ground level shown on the approved plans rather than the DPC level which has been annotated on the plans given that I am considering the impact that the whole dwelling has. Although this increase may be considered marginal, I find that in this instance the increased scale further compacts the increase bulk that results from the increased gable width resulting in an overly large dwelling given the location of the site which is prominent upon entering the village and main built up area. I consider built form in such locations where the built up area is transitioning in and out of the open countryside should represent a decrease in size to assist in softening the transition.

Further to the above main gable width and height increase I note that the submitted plan also illustrate an increase in gable width to the two step down elements to the north of the main dwelling. It is unfortunate that the application does not list this increase as one of or part of the numerous amendments proposed. Notwithstanding that this not been explicitly signposted in the application, I have established that the stepped down section gable is proposed to increase in width by approx. 0.9m. This increases the ridge height of the corresponding step down sections by between approx. 0.3 and 0.4m.

The increases in ridge heights and gable widths present an unacceptably bulky dwelling but the appearance of the main front elevation is also compromised were the roof height increases by approx. 0.3 and 0.6m. This creates a discordant elevation lacking symmetry compared to what was approved.

- The addition of a single storey sun lounge extension;

I find that this proposed addition would detract from the simple linear plan form of the proposed dwelling by adding a return at one end of the dwelling. Although not ideal I find that the single storey nature of the extension and its position adjacent to the rear of the largest section of the proposed dwelling renders the addition, on balance acceptable in design terms and due to the separation distance between this proposed dwelling, the proposed dwelling at plot 1 and the existing dwelling to the east. I find there would be no material impact on neighbouring amenity with regard to privacy, loss of light or overbearing impact.

- Ground floor amendments and revisions including gable windows;

Overall the changes proposed to windows and fenestration are considered acceptable although I do note that the rear elevation will lose the existing approved symmetry due to the position of the sun room and loss of the first floor window above which although not objectionable, is far from ideal.

- First floor amendments revisions including the removal of the 5th bedroom on this storey and repositioning within the roof space which maintains the '5 bedroom' local need; and
- The roof space to be served by rooflights.

I will consider these two amendments together as they are inter-related. The alterations proposed are not considered to be objectionable but I must note that the roof lights proposed to the rear roof slope to serve the relocated bedroom are not considered appropriate given the overly cluttered roof slope that would be created which would detract from the traditional character of the dwelling approved. However due to the position of this roofslope to the rear of the property (that would not be readily visible from the street scene) I find on balance these changes are acceptable.

Planning Balance and Conclusions

Condition 1 cannot be amended and in any event doesn't need to be as the applicant has until July 2020 to implement the extant permission.

The amendments to Plot 2 requested through variations to the plans have been carefully considered. In respect of impact on neighbours I have found that there would be no adverse impacts. However I do find that there would be adverse impacts upon the character and appearance of the Conservation Area.

Although there are some amendments that are considered acceptable, on balance the changes overall to the size of the dwelling in increasing the gable width and height of the all sections of the dwelling, it is considered that these amendments would be visually unacceptable and result in less than substantial harm to the character and appearance of the Conservation Area for which there is no justification or overriding public benefit. Officers negotiated the previously approved scheme to achieve a dwelling that had cottage like proportions. Whilst these amendments arguably are modest, often it is the small details that make huge differences in conservation area terms. In my view, the changes in combination would unacceptably change the appearance of the dwelling to a more dominating scale and these are a step too far in my view. The proposal is therefore considered to be contrary to the Development Plan for the reasons set out below.

RECOMMENDATION

That full planning permission is refused for the following reason:

Reason for refusal

01

In the opinion of the Local Planning Authority the change in gable widths and heights proposed tips the balance towards a visually obtrusive dwelling, resulting in a more unduly prominent impact at the junction of the highway which is considered to be especially sensitive due to the site being visible at the edge of the built up area where the village transitions into open countryside. The amendments to the dimensions of the building, combined with additions and alterations result in a disharmonious arrangement which causes harm to the character and appearance of the Conservation Area. Although the harm is moderate in the context of the whole Conservation Area, and therefore less than substantial for the purposes of paragraphs 132-134 of the NPPF, there is no clear and convincing justification for the proposal. Moreover, there is no public benefit which might decisively outweigh the harm identified. Therefore it is considered that the proposal fails to accord with Core Policy 9 (Sustainable Design) and Core Policy 14 (Historic Environment) of the Newark and Sherwood Core Strategy DPD and Policies DM5 (Design) and DM9 (Protecting and enhancing the historic environment) of the Allocations and Development Management DPD, as well as the NPPF, which is a material planning consideration.

Informatives

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

Background Papers

Application Case File

For further information, please contact Sukh Chohan on ext 5828.

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

Matt Lamb

Business Manager – Growth & Regeneration

Committee Plan - 18/00711/FUL

