

PLANNING COMMITTEE – 7 AUGUST 2018

Application No:	18/00785/FUL	
Proposal:	Proposed demolition of existing dwelling and replacement with new 2 storey dwelling incorporating ancillary accommodation	
Location:	22 Halloughton Road, Southwell, NG25 0LR	
Applicant:	Mrs Anna Joyce	
Registered:	3 May 2018	Target Date: 28th June 2018

This application is presented to the Planning Committee for determination as it has been referred by Cllr B Loughton due to impact on neighboring amenity and the proposal being out of keeping with surrounding properties.

The Site

This application relates to an irregular shaped 1960's single storey dwelling with an attached flat roof garage and hardstanding area to the front which is accessed via a private shared drive from Halloughton Road and is located within a residential area of Southwell. The dwelling is currently vacant. It is sited within a rectangular plot.

The immediately adjoining properties are two storey and detached. To the north no. 20 Halloughton Road sits at an angle within its plot and is set forward of no. 22 Halloughton Road and at a lower level. This shared boundary with the application site comprises circa 3m high mature hedging and shrubbery. This property has a first floor obscure glazed window to the side elevation overlooking the side boundary with the site and first floor bathroom and bedroom windows to the rear elevation. There is a conservatory to the rear elevation.

To the south is no. 26 Halloughton Road. To the rear at first floor level there is a balcony recessed within the side elevation of the property which serves a bedroom. There is an area of garden to the rear of this property which sides onto the application site. Towards the front this dwelling forms part of the side boundary with the application site with no windows to this section. There are windows to the rear elevation. Adjacent to this shared boundary are mature trees and a hedgerow.

To the south-west the rear garden of no. 28A Halloughton Road backs onto the application site. This is a single storey detached dwelling set at lower level and with principle room windows to its rear elevation. Its rear garden contains a large mature tree which provides some screening of the application site. The boundary treatment here comprises mature hedging approximately 1.7m in height.

To the east, no. 24 Halloughton Road is a two storey dwelling which backs onto the hardstanding area to the front of the application site. The shared boundary with the application site comprises mature circa 2.8m-3m high hedging. This dwelling has ground and first floor windows to the rear elevation overlooking the site. The main garden area serving this property is to the side of

building.

Relevant Planning History

None.

The Proposal

Full planning permission is sought for the demolition of the existing bungalow and the erection of a single detached two storey dwelling according to the description of development. The proposed building is irregular in footprint with some single storey projections. Revised plans have been received during the lifetime of the application which slightly re-orientate the building, re-site some upper floor windows and introduce additional screening to the proposed roof terrace/herb garden and flower meadow.

The building would have maximum dimensions of circa 17.5m width x 26.5m depth with a curved pitched roof and would have a maximum ridge height of circa 7.6m (maximum eaves height of circa 5m).

The ground floor accommodation comprises, what the agent describes, as 'ancillary' accommodation to the main accommodation above. This ground floor comprises a hallway with lift, 3 bedrooms, bathroom, utility, open plan kitchen/diner/living space, cloakroom, car port, garage accommodation and garden store 'for family members'.

The first floor would provide one bedroom living accommodation with an open plan kitchen/dining room, snug, office, separate w.c, bedroom with dressing room and ensuite which is accessed off a hallway via an external stairwell and is also served via a lift. Over the single storey projection to the south elevation (the garden store) a herb garden is proposed with access from the first floor kitchen door. Revised plans show this to be enclosed by circa 1.3m high brick wall and 1.7m high slatted screening. A roof terrace accessed from the first floor office/dining room area is proposed and shown on the latest revised plans to be enclosed to its southern edge by 1.7m high slatted screening. A proposed flower meadow is also proposed which latest revised plans show can be accessed from the roof terrace, the south western corner of which is also shown to have 1.7m high slatted screening.

The application has been accompanied by a Design and Access Statement which outlines the design ethos of the proposal including its use (the ground floor being for permanent residency and the ground floor for occasional occupancy by relatives) and its sustainability credentials together with an Ecology Survey.

The proposal is assessed against the following revised plans deposited on the 2nd July 2018

- Drawing number 01 revision B – Existing Dwelling – Plans and Elevations
- Drawing number 02 revision D – Proposed Replacement Dwelling – Plans
- Drawing number 03 revision E - Proposed Replacement Dwelling – Elevations and Sections
- Drawing number 04 - Proposed Replacement Dwelling – Streetscene

Photographs of an extension to a barn at Hoveringham which is of an identical design and use of materials have also been deposited in support of the proposal.

Departure/Public Advertisement Procedure

Occupiers of 7 properties have been individually notified by letter. A site notice has also been displayed near to the site.

Planning Policy Framework

The Development Plan

Southwell Neighbourhood Plan (made October 2016)

Policy SD1 - Delivering Sustainable Development
Policy E2 – Flood Resilient Design
Policy E3 - Green Infrastructure and Biodiversity
Policy E4 - Public Rights of Way and Wildlife Corridors
Policy E5 – Green Link
Policy DH1 – Sense of Place
Policy DH3 – Historic Environment
Policy TA1 – Cycle and Pedestrian Routes
Policy TA2 – Public Transport Connectivity
Policy TA3 – Highways Impact

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy
Spatial Policy 2: Spatial Distribution of Growth
Spatial Policy 7: Sustainable Transport
Core Policy 3: Housing Mix, Type and Density
Core Policy 9: Sustainable Design
Core Policy 14: Historic Environment

Allocations & Development Management DPD (adopted July 2013)

Policy So/HN/1 – Southwell Housing Need
Policy So/PV – Southwell Protected Views
Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
Policy DM5 – Design
Policy DM9 – Protecting and Enhancing the Historic Environment
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012
Planning Practice Guidance 2014

Consultations

Southwell Town Council – Southwell Town Council considered the application and agreed by majority to support to the application but have asked that Cllr Bruce Laughton call in this application for the following reasons: to consider the loss of privacy on neighbouring properties

and also the visual impact of the aluminum roof from the west of this application.

Following submission of revised plans on the 12th June and 2nd July no additional comments have been received.

Southwell Civic Society - We welcome this application for a 21st Century modern building. However the drawings do not indicate if the aluminum roof is to be left natural or anodised. We are concerned that when the building is two storeys high then a bright shiny roof may be seen from the public footpath running across the fields at the rear. This will put the roof in the same field of view as Holy Trinity Church and The Minster's twin towers.

Following submission of revised plans on the 12th June and 2nd July no additional comments have been received.

NSDC Conservation – Have advised Southwell Minster is a nationally significant landmark Grade I listed building. The view cones policy seeks to protect acknowledged views and vistas of the Minster, helping to preserve its setting.

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Conservation has considered the impact of the proposal on a number of heritage assets within the wider landscape, notably Southwell Minster, but finds that the proposal will have no discernible impact on their significance.

Following submission of revised plans on the 12th June and 2nd July no additional comments have been received.

Nottinghamshire County Council Highway Authority - Since this is a like-for-like replacement of one dwelling with another, with no alterations to the access arrangement, no objections are raised.

Following submission of revised plans on the 12th June and 2nd July no additional comments have been received.

Nottinghamshire County Council Flood Team - No objections are raised subject to the following:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

Following submission of revised plans on the 12th June and 2nd July no additional comments have been received.

Trent Valley Drainage Board – The site is outside of the Trent Valley Internal Drainage Board District but within the Boards Catchment.

There are no Board maintained watercourses in close proximity to the site.

Surface water run off rates to receiving watercourses must not be increased as a result of the development.

The design, operation and future maintenance of site drainage systems must be agreed with the Lead local Flood Authority and Local Planning Authority.

Following submission of revised plans on the 12th June and 2nd July no further comments are made.

Environment Agency – No comments received.

Following the submission of revised plans on the 2nd July 2018 the Environment Agency previously responded on the 11th May saying we had no comments to make on this planning application. This still remains the case and we have no comments to make.

Anglian Water Services Ltd – No comments received.

Following submission of revised plans on the 12th June and 2nd July no additional comments have been received.

Severn Trent Water – No comments received.

Following submission of revised plans on the 12th June and 2nd July no additional comments have been received.

Lincolnshire County Council Archaeology - No archaeological input required.

Following submission of revised plans on the 12th June and 2nd July no additional comments have been received.

Ramblers Association – No comments received.

Following submission of revised plans on the 12th June and 2nd July no additional comments have been received.

NSDC Access Officer - As part of the developer's considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that their attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings.

It is recommended that disabled persons and wheelchair users' access to, into and around dwelling be carefully examined. External pathways to and around the site should be carefully

considered and designed to accepted standards to ensure that they provide suitable clear unobstructed access to the proposal. In particular, step-free access to and into the dwelling is important and a suitably surfaced firm level and smooth 'traffic free' accessible route is essential to and into the dwelling from facilities such as car parking and from the site boundary with reference to the topography of the site. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features. Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways and facilities all carefully designed to facilitate easy access and manoeuvre on all floors are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwelling together with suitable accessible WC and sanitary provision etc.

It is recommended that the developer make separate enquiry regarding Building Regulations matters.

Following submission of revised plans on the 12th June and 2nd July there are no further observations beyond those previously advised.

Give that the revised plans received on the 17th July 2018 solely relate to the details of the proposed screening to the roof terrace/herb garden and flower meadow consultation has only been undertaken with neighbouring properties and third party interested parties.

4 Representations have been received from a local resident/interested party which can be summarised as follows:

- Loss of privacy and overlooking given the siting of windows and herb garden together with change in land levels – this could be resolved by resiting or obscuring glazing some first floor windows and the removal or screening of first floor outdoor areas;
- Overbearing impact given changes in land levels and increased ridge height to that of the existing bungalow;
- Could the new dwelling be resited further back into the plot;
- The drawings are unclear that there is a change in land levels which unless the dwelling is set down raises overbearing issues;
- Impact on outlook;
- Proposed materials will result in a bleak industrial building in terms of appearance which will appear dominant – is this appropriate at the edge of town site and within the Southwell Protected Views cone;
- The proposed dwelling will be clearly visible from parts of Halloughton Road and from public footpaths given the increased ridge height;
- Support the proposal subject to a condition requiring the 6 southerly aspect windows being fitted with translucent glass to protect privacy;
- Overlooking impacts could also be removed if there were no first floor terraces or the outdoor terrace was more completely screened and windows obscure glazed;
- The proposal could become 2 separate dwellings.

Following the submission of revised plans on the 12th June and 2nd July 2018 additional comments have been received which are summarized as follows:-

- Overlooking and loss of privacy impact - Additional screening has been provided to the northern aspect of the dwelling – it is not high enough and does not resolve overlooking issues from the roof terrace/herb garden and flower meadow nor from light pollution at

night from windows which are orientated towards neighbouring properties. This contradicts comments in the Design and Access Statement that windows do not overlook dwellings;

- Overlooking could be resolved by screening similar to that proposed at the herb garden;
- The first floor apartment has an exceptionally large terrace – there would be total loss of privacy given the lack of screening and the use of the terrace for socializing which would directly overlook neighboring properties windows, gardens and private amenity spaces;
- Given changes in land levels it would be difficult to provide adequate boundary screening;
- Impact of visual glare from roof/solar panels and lights at night;
- Proximity of the building to boundaries.
- The house is for one family with 2 apartments and its adaptability is emphasised. Use of the property with additional cars;
- Setting to precedent for other large apartments/large dwellings with roof terraces – there are no other properties with large terraces used as gardens in the area;
- The site is within an environmentally sensitive area;
- The Design and access Statement is incorrect when it states that there will be no direct comparison of architectural style from any public vantage point. The property will be viewed from public vantage points and neighbouring houses (and the Conservation Area) and its contemporary design and materials will be noticeable;
- The revised orientation of the first floor will bring the proposed building closer to some neighbouring properties increasing the amount of overbearing by virtue of the stark modern design;
- It has been assumed that the proposed dwelling is a replacement for the existing bungalow. This is clearly not the case since it will in effect be two separate self-contained dwellings in one building;
- To avoid overloading access and drainage facilities it is suggested that a condition be attached to prevent permanent occupation of the lower accommodation particularly for potential future occupiers;
- The height of the privacy screens is insufficient to prevent overlooking - it should be a minimum of 1.6 m above finished floor level;
- The proposal would be out of keeping with neighbouring properties and the aluminium roof would look like an industrial building;
- The photographs for the Street Scenes prove that the roof will be seen from Halloughton Road but they have been taken recently when there was full leaf cover on the trees. This will be different when the trees are bare. The roof will be visible from other parts of Halloughton Road when the trees have less leaf cover. It will also be visible from the adjacent public footpaths when there are no leaves on the trees;
- The colour of the roof has not been specified by the applicant other than "aluminum". It is assumed that this could be controlled by condition. Since the roof can be seen from several public vantage points its colour should be sympathetic to its location and context. A bright or reflecting surface is not appropriate;
- One representation of support has been received which comments that the proposal is an innovative scheme is novel and of a very high quality which should be supported. Local planning authorities should encourage development which is designed to be energy efficient. It does acknowledge comments regarding the roof and it being seen in the same views as the Minster;

Following the submission of further revised plans on the 12th July the following additional comments have been received:-

- The proposal would still be overbearing and result in overlooking creating unsuitable disturbance to this tranquil area;
- There would be nearly 100m² of freely-accessible first floor outdoor areas that overlook the gardens and properties of neighbours to the south;
- Rotating the first floor has now created a free walkway between the roof terrace and the flower meadow. Although access to the flower meadow would be for maintenance there is now open access to this area;
- On the latest plans, the first floor outdoor areas now cover over 113m² in total, a size bigger than the average UK home or UK garden this could be smaller and still readily serve the occupiers;
- In other councils, roof terrace size is restricted to one deemed too small to have a party on (10m²). This 'prototype' house sets a precedent for Newark and Sherwood for roof terrace area intrusion to neighbours;
- The proposed slatted screening to the perimeter of the roof terrace is not solid and is too low to prevent overlooking and would allow views to neighbouring properties and gardens. The screen should be at least 2m high and be solid;
- It would appear that when permission was granted for development of 4 properties along the western stretch of Halloughton Road this was the most southern property had to be a bungalow to prevent any overlooking or overbearing impact. This situation has not changed;
- Highways have commented that the proposal is like for like. This is not the case it is for 2 separate dwellings and therefore raises issues with the increase in cars, parking and access (a reason that a proposal in the vicinity has been rejected). This raises highway safety issues.

Four further letters/emails of representation has been received following the submission of revised plans on the 17th July 2018 which can be summarized as follows:-

- The proposed revisions do not resolve concerns raised with regards to overlooking and over bearing impact, given that screening is not solid and given its height can be looked through and over and it would not prevent noise and light transference;
- There is still access from the roof terrace onto the flower meadow which should be blocked which would be an improvement;
- Solid taller screening is required and should also be provided along the west side of the flower garden;
- Given proximity to the adjacent orchard which is laid to grass, without vigorous maintenance the flower garden would be dominated by tall grass;
- Although not objecting to the principle of the proposal concerns are still raised;
- The plans are confusing – the privacy screen is shown to be a different height to the wall on the north and west of the herb garden. It is difficult to accurately measure given that the drawings are annotated do not scale drawings... All screening should be 1.7m high above finished floor level and this should be secured by condition;
- Although not objecting in principle concerns remain with regards to the size of the replacement dwelling. It appears that the original application for a new house on the application site was turned down circa 1970 for reasons of impact on neighbouring amenity and permission was only granted on condition that the new dwelling was a bungalow.
- The current proposal will overlook and overbear 4 adjoining dwellings and should therefore be rejected;

- Reference is made to PPS7 and *'Overlooking of gardens may be unacceptable where it would result in an intrusive, direct and uninterrupted view from a main room, to the most private area of the garden, which is often the main sitting out area adjacent to the property, of your neighbours' house. As a general rule this area is the first 3-4 metres of a rear garden, closest to the property'*. All screening panels should be 2m high;
- The proposed screening is inadequate to prevent overlooking not just dwellings but private amenity areas;
- Slatted screening would not protect neighbouring properties from noise disturbance – particularly given the size of the proposed roof terrace – noise reduction panels Noise Reduction Fencing Panels that meet the requirements of BS EN 1793-2:2012 Category B3 would be appropriate.

Any additional comments in relation to the further revised plans received on the 17th July 2018 will be reported to Planning Committee within late items.

Comments of the Business Manager

Principle of Development

The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply which has been confirmed by a number of recent appeal decisions including the dismissal of the Farnsfield appeal (at Public Inquiry) by the Secretary of State in April 2018. I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes of decision making and thus carry significant weight in an overall planning balance.

The NPPG acknowledges that Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, thus providing a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

Following public consultation and independent examination, at its council meeting on 10th October 2017 Newark and Sherwood District Council adopted the Southwell Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Southwell In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of the proposal in the assessment below.

The adopted Neighbourhood Plan for Southwell outlines an overall support for residential development within the town, through meeting the strategic requirements for growth whilst maximizing the benefits for the community (Objective 6). Spatial Policy 1 of the Core Strategy outlines the settlement hierarchy for the District identifying Southwell as a Service Centre. It is intended that Service Centres will act as a focus for service provision for a large local population and a rural hinterland.

The applicant has described the development as *'Proposed demolition of existing dwelling and replacement with new 2 storey dwelling incorporating ancillary accommodation'*. Notwithstanding this, having assessed the scheme I find that there is no mutual reliance between either the first or

ground floor accommodation, such that they both have their own separate entrances, external private amenity space and all of the necessary accommodation to allow for independent occupation. I have therefore assessed it as such. The applicant has described the ground floor living space (comprising 3 bedrooms and living accommodation) as ancillary to the first floor one-bedroom apartment. Whilst I cannot agree that a 3 bedroom self-contained apartment is ancillary to the first floor 1 bedroom apartment, I do not consider that this makes any discernible difference to my assessment or its outcome.

The principle of residential development in this area is acceptable, being a replacement building within the built up part of Southwell for residential purposes. The provision of what I consider to be essentially two dwellings instead of one, is also acceptable in this Service Centre given its location within a sustainable settlement and as such there is no objection in principle to the residential development at the site. However this does not automatically mean that development should be granted as other material considerations are also taken in to account namely the impact upon the character of the area, impact on the residential amenity of neighbouring properties and highway matters together with drainage and ecology which are discussed below.

Housing Need & Mix

CP3 of the adopted Plan seeks to secure new housing that addresses the housing need of the district generally which is identified as family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. I note that CP3 in the Publication Core Strategy deletes reference to the family housing of 3 bedrooms or more, which can be afforded weight given its advanced stage and that there are no unresolved objections to this.

Policy So/HN/1 seeks to secure, subject to local site circumstances and the viability of development, the majority of new housing on allocated or windfall sites as one or two bedroom units in line with identified housing need as evidenced by the district wide HNS from 2014 by DCA. This drive to secure smaller units is a significant material consideration and remains so given that this policy is just one of two policies of its type in our District whereby it was felt necessary to intervene in the market to secure smaller dwellings. The newest relevant adopted Policy, HE1 of the Southwell Neighbourhood Plan states that developments which provide bungalow and other types of accommodation for elderly and disabled people will be strongly supported. Furthermore the National Planning Policy Framework, as revised, seeks to significantly boost the supply of homes and ensure the needs of groups with specific housing requirements are addressed.

This is a scheme that would make efficient use of land by introducing accommodation that is capable of supporting two families, even if the applicant has no intention to use it as such. The accommodation on offer could in my view potentially cater for the most needed form of housing in Southwell. The ground floor apartment whilst 3 bedrooms would be suitable for the elderly or less mobile. The first floor apartment whilst large for a 1 bedroom unit, could easily be configured into a 2 bedroom unit either of which would be acceptable in policy terms. Furthermore the first floor apartment has a lift which opens its appeal to the elderly and less mobile also. As such I find that the accommodation being proposed is supported by the Neighbourhood Plan and this does weigh in favour of the development.

Impact on Character (Including Heritage Assets)

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built

and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The SNP also reflects this.

The NPPF, as revised, states that a high standard of design is a key aspect of sustainable development and that new development should be visually attractive as a result of good architecture and appropriate landscaping. It is not the intention that policy or decisions should dictate design and the NPPF as revised states (at para.127) that decisions should ensure that developments *'are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'* This is reflected in the local plan policies noted above.

The issue of its impact upon the character and appearance of the area is, in my view, the key matter in assessing the acceptability of the proposal. This issue is one that has split opinion amongst officers and is very finely balanced. However it has been determined that the scheme would be harmful and the reasons for this are set out below.

It is acknowledged that the existing bungalow is of no strong architectural merit in terms of its design, external materials and appearance such that its loss and replacement is acceptable in principle.

I am mindful that the proposed replacement dwelling is of a contemporary design and proposes the use of a range external material in the form of bricks to the ground floor, wood cladding to the first floor and a sheet aluminum roof with steel chimneys. Whilst contemporary, the design appears 'barn-like' in its form and proportions. Although the proposal is of a more modern and perhaps rural design in comparison to surrounding properties, this in itself need not have been fatal to the proposal taking account of paragraph 127. Indeed the Council is not averse to a modern design approach in principle, and indeed in the right context these are fully appreciated and accepted. However in this instance the design is not considered to be in the right context or plot.

The application site is surrounded by a number of dwellings, these being a traditional twin gable cottage to the east which although not listed nor a non-designated heritage asset, reflects a historic cottage form and layout and is more modern but traditionally red brick, pantile roof dwellings to the south and north. These are reasonably well spaced around the site and given the single storey height of the existing bungalow within this section of Halloughton Road there is a currently visually a sense of openness and spaciousness between these buildings providing relief from the built form. In terms of footprint, the replacement building would not change very much from the irregular form of the existing dwelling.

However what this proposal does is to introduce a large, monolithic expanse of a building at a greater height that is c26.5m in length which by virtue of its bulk, scale and massing (being largely unbroken) would be at odds with the character and appearance of the area in my opinion. It is acknowledged that the application site is tucked behind the cottage which provides some screening from Halloughton Road and that the existing building, being single storey is not visible from any public view point. However this replacement building is two storey in height being 7.6m to the ridge (some 3.8m higher than the existing bungalow it is to replace) and would be at least 0.7m higher than the cottage to the east and 0.5m higher than the adjoining dwelling to the north which will in my submission give this a presence in the public realm, and in my view this would be harmful.

The matter of how much the building would be visible from the public realm is a matter that is not agreed. Members will note that 2 photomontages have been submitted during the lifetime of the application which have been taken from 2 no. viewpoints on Halloughton Road and purport to show that notwithstanding any height differences between the existing and neighbouring dwellings, the proposed development would be glimpsed through the canopies of existing trees within and around the site when they are in full leaf. I am not convinced that these are an accurate reflection of how the building would be perceived from the public realm. No methodology has been provided to show how these montages were prepared and the angle appears to be from a low position, potentially reducing the prominence within the montages. I therefore give these little weight. In any event I am mindful that during winter months the upper part of the dwelling (the clad walls and aluminum roof and steel chimneys) would be more clearly viewed from these positions. Moreover when the trees to the south east are not in leaf then it is considered that there would also likely to be views from the public footpath to the north-west.

The applicant has also deposited photographic views of an extension to a barn conversion development in Hoveringham built in the early 2000s which is of an almost identical scale, design and appearance to the dwelling proposed. The applicant contends that the context, visibility, scale, materials used and style is useful to explain the design precedent of the current proposal. Whilst I acknowledge some the similarities of the between the Hoveringham scheme and the proposed development in terms of scale, design and materials, I am of the view that the context and setting of both sites are very different. Whereas the proposed dwelling before Members falls within the built up and suburban area of Southwell and adjoined in the main by red brick dwellings and a traditional cottage the Hoveringham scheme is within a different context where separation distances are greater and where the site is adjoined by a farmstead and its agricultural buildings in a much more open setting.

Turning now to the proposed use of external materials, as I have noted above the roof would be an aluminum roof and have steel chimneys. These are integral to the design and are not matters that could reasonably be conditioned out. These materials would be prominent architectural products which would weather over time, albeit from aerial views and the example photographs of the similar scheme in Hoveringham I note that such materials remain prominent for years. Even if the roof was treated to dull the finish down, when applied to the Halloughton Road context, the materials would in my opinion result in a visually obtrusive development within this suburban setting which is predominantly brick and tile dwellings.

With regards to any impact on nearby heritage assets, the setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. The NPPF and its guidance note provide that a thorough assessment of the impact on setting needs to be undertaken and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Although not within Southwell Conservation Area or directly adjacent to any listed buildings, the application site does fall within the Southwell Protected Views boundary (So/Pv) which aims to ensure that development respects in this instance the wider setting and context of the landmark Grade I listed Minster and Grade II listed Church of Holy Trinity. I note that the Conservation Officer has advised that they considers that that the proposal will have no discernible impact on their significance and I agree with this assessment.

Taking the above considerations into account, in the context of this suburban area I have to conclude that the proposed building represents an over development of the site by introducing an overly bulky, monolithic building where the design, siting, use of materials, scale, form and massing would be at odds with the street-scene and character and appearance of the area it its detriment.

Impact on Residential Amenity

Impact on amenity is a long standing consideration of the planning process and relates both to the impact on existing development as well as the available amenity provision for the proposed occupiers.

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. In addition consideration should be given to the potential for crime and anti-social behaviour. The NPPF seeks to secure a high standard of amenity for all existing and future occupants of land and buildings.

I have taken the opportunity to view the site from within the curtilage of neighbouring properties to gain an understanding of the concerns raised during the consultation process. I acknowledge that the replacement of the existing bungalow with a two storey contemporary building with modern roofing materials and a maximum ridge height of 7.6m together with the first floor amenity open air amenity areas would be a fundamental change to the existing relationship between buildings.

I am firstly mindful that the two storey element of the dwelling runs along the central spine of the proposed building on a NW/SE axis and at an angle to the neighbouring dwellings.

The application site is adjoined to the north, south and east by predominantly two storey residential properties (no. 28a Halloughton Road to the south west is a single storey property with rooms in the roof served by roof lights) and as such consideration of the impact on neighbouring amenity forms an important planning consideration. The proposed replacement dwelling would be some 7.6m in height and would be sited in fairly close proximity to the shared boundaries with some of these adjoining residential plots.

During the lifetime of the application revised plans have been deposited which slightly rotate and reposition the first floor element of the proposed dwelling to increase the separation distance from the first floor principle bedroom windows of the adjoining property to the east (no. 24 Halloughton Road) to some 13m. I am mindful that the originally proposed first floor bedroom window to the side elevation of the proposed dwelling has been repositioned and has been reduced in size and will now afford direct views down the access drive. Views towards the first floor bedroom windows of no. 24 Halloughton Road would in my opinion now be so oblique as to not justify any refusal on these grounds. No other windows are proposed along this side elevation of the proposed dwelling.

It is acknowledged that the separation between the two storey element of the proposed dwelling and no. 24 would be at a minimum distance of 9m. However, the nearest point of the new dwelling would be the corner of its gable end which would then extend away from this neighbouring dwelling. Furthermore the nearest first floor window of no. 24 serves a bathroom and the separation distance from the first floor bedroom windows serving this property would

increase as the two storey element pulls way from this boundary. Although a greater separation would be preferable, given the orientation that would exist between both dwellings I am of the view that, on balance, this relationship is on the very cusp of acceptability in this particular instance in terms of overlooking, overbearing and overshadowing impact.

With regards to impact on the adjoining 2 storey property to the north, no. 20 Halloughton Road, it is noted that following the slight reorientation of the proposal its north western corner of the side elevation of the two storey element would sit some 3m from this shared boundary and c10m from the conservatory to the rear of this property at its closest point. This distance increases to some 14m separation between the two storey elevations of this neighbouring dwelling and the proposed development.

Although it is acknowledged that these separation distances are in places again rather modest, given the relationship between the proposed development and this neighbouring property together with existing boundary treatments (high hedges) it is again considered that this would be on the very cusp of acceptability in terms of overbearing and overshadowing impact.

The latest revised plans also now indicate that the proposed herb garden terrace has been reduced in footprint by some 11.5m and would be enclosed by 1.3m high brick wall to the elevation directly facing no. 20 Halloughton Road as originally proposed together with an additional c1.7m high slatted privacy screen separating it from the remainder of this flat roof area which would be an inaccessible sedum (grass) roof.

I note the comments received with regards to the latest revised plans (Revision E) showing the proposed slatted screening to be 1.7m in height which is considered would still afford views from the open terrace areas given its open nature and height. In my experience, providing the slats are appropriately positioned and angled this would assist in preventing views into neighbouring private amenity areas. With regards to the height of the proposed screening, I have not requested further amendments given the issues noted within the section above of this report and the subsequent recommendation which in my opinion would not be resolved through such amendments.

Notwithstanding this I consider it reasonable (which the applicant has confirmed would be acceptable) that should members be minded to approve the proposed development a condition should be attached to any permission requiring the submission of precise details of the screening together with a condition requiring the height of all of screening to be a minimum of 1.8m from finished floor levels. This would ensure that any screening would reasonably mitigate any overlooking impact.

Turning to the adjoining property immediately to the south, no. 26 Halloughton Road, this property sits along the shared boundary with the application site and would side onto the proposed replacement dwelling and will adjoin the flat roof flower meadow. This property has no first floor windows to its side elevation directly facing the application site. I am mindful that there are ground floor windows and a first floor balcony area with recessed window to the front elevation and also a garden area to the east of the dwelling. Given the relationship and orientation of the proposed development and this neighbouring property together with separation distances and existing boundary treatments I am satisfied that the proposal would not result in undue overbearing or overshadowing impact.

I note that the proposed flower meadow could overlook the garden and drive of this neighbouring dwelling and that following the reorientation of the first floor of the proposed dwelling there would now be direct access from the roof terrace to the flower meadow. Although this is shown to have maintenance access only, which could in my opinion be reasonably secured by condition, I am mindful of this open access and that the level of maintenance could not be controlled. Taking this into account I am of the view that an additional enclosure of the roof terrace could be secured by condition to prevent any direct access from the terrace to the flower meadow should Members be minded to grant planning permission which would discourage any limited direct overlooking of the neighbour private seating area to the frontage. Again the precise details and height of the proposed screening for the flower meadow could reasonably be secured by condition as noted above.

With regards to the impact on the amenity of occupiers of the adjoining dwelling at no. 28A Halloughton Road to the south west of the site, notwithstanding the increase in height of a building to the rear of this property than already exists, given separation distances (circa 24m to the shared boundary with the site, some 35m to the roof terrace and the two storey element of the proposed dwelling) together with the proposed screening (which could be secured by condition) and existing boundary treatments and landscaping I am satisfied that the proposal would not result in any undue overlooking, overbearing or overshadowing impact.

With regards to concerns raised in relation to noise disturbance I am of the view that the use of the proposed roof terrace as outdoor amenity space would not be significantly different to how the garden area would be used in a suburban setting, albeit I accept it is at a first floor level. Even if the building was occupied by two separate families as independent dwellings, I do not consider that the level of its use would alter to such a degree as to have a harmful impact upon the neighbours through comings and goings or general disturbance.

Notwithstanding this the proposed first floor privacy screening to its external areas would in my opinion act as an additional barrier to mitigate any noise. Similarly with regards to light pollution the proposed screening to the roof terrace would predominantly obscure the first floor windows and given distances to boundaries I do not consider that this would unduly impact on amenity. I therefore consider that it would be unreasonable to refuse permission on these grounds.

Taking these considerations into account I am satisfied that on balance the proposed building and its potential to be occupied as two independent dwellings would not have any undue impact upon the amenity of occupiers of neighbouring properties in terms of overlooking, overbearing or overshadowing or other such harmful impact to justify refusal on these grounds.

Impact on Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

I note that the Highway Authority have raised no objections to the proposal as noted in the consultation section of this report. This is on the basis of the development being one dwelling and as such NCC Highways Authority have been invited to make comments as to whether their mutual independence from one another changes that view. Should comments be received these will be reported to Members as a late item. However I am minded to conclude that appropriate parking provision has been made for the level of accommodation proposed and that given that the

development would be served by an existing access and that vehicle movements would not significantly increase the proposal would not raise any highway safety issues.

In conclusion it is not considered that the proposed development would significantly detrimentally impact upon highway safety and the proposal is considered to accord with the requirements of policy TA4 of the SNP and policy SP7 of the Core Strategy.

Flooding and Drainage

Policy E2 of the SNP states that development proposals requiring a flood risk assessment must be designed to avoid increasing the risk of flooding both on and off site. The proposed development is located in Flood Zone 1 in accordance with Environment Agency mapping. In addition the site is not considered to be at high risk of surface water flooding and as such no flood risk assessment is required in support of the proposal. No objections have been raised by either the Environment Agency or NCC Lead Local Flood Authority subject to the suggested informatives/conditions and I have identified no reason why surface water management would create an issue to either the proposed occupiers or neighbouring residents.

Trees and Ecology

Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.

The application has been supported by an Ecological Survey. This concluded that in relation to bats there is negligible risk of encountering or disturbing bat roosts in demolishing the existing bungalow. It does however recommend some precautionary mitigation measures in that tiles from the verges on the south-west and north-west corner of the bungalow are removed by hand prior to demolition. In the unexpected event of a bat being found during the works a procedure has been provided in Appendix 1 of the Survey which should be issued to contractors prior to the commencement of works. The removal of the tiles will need to be under the supervision of a suitably qualified bat worker.

The building was assessed as having low potential to support breeding birds. It is anticipated that the demolition will be undertaken outside the bird breeding season and therefore there is no risk to disturbance to breeding birds. However, if the demolition is timed to occur within the breeding bird season from mid-March to September then prior to commencement of any works the area should be searched for nesting birds and if any nests found then it should remain undisturbed and a 5m buffer zone around it created which shall remain free of any construction work until the young have fledged and left the nest.

These recommendations can be reasonably secured by condition should Members be minded to approve the development. Further ecological enhancements in the form of bird and bat boxes can also be secured by condition.

Other matters

I note the comments made by interested parties with regards to the accuracy of the sections. Officers have requested that the applicant check and revised these sections and revised plans have been subsequently been deposited which I have no grounds to doubt.

In terms of the scale of the proposed roof terrace and the setting of a precedent particularly for large roof terraces there are no policy guidelines which restrict the footprint of roof terraces and as noted above any such proposals would have to be considered on their own individual merits.

I note the comments regarding the 1970s planning permission in relation to the existing bungalow to be replaced and its restriction to single storey height. Planning policies and decisions have changed and evolved since that permission was granted and as noted above any application has now to be assessed against current policy and against site circumstances and context.

Ancillary

There is clearly a level of concern as to whether this would genuinely be ancillary by virtue of the way it has been designed. Complication is added by the fact that the applicant has paid a fee for two dwellings at our request and has refused to change description to reflect that this is capable of being occupied as 2 dwellings without any alteration. Furthermore whilst one objector of the 4 has raised the matter that it could be 2 dwellings any neighbouring residents relying purely on the description of development may not have viewed the plans and will not be aware of this fact. Officers feel in a difficult position in that they cannot unilaterally change a description of proposal and approval could disadvantage these neighbours.

CIL

On the basis that the units can clearly be physically and functionally separate albeit with a shared lobby area it is no diff in officer opinion to a submission seeking the erection of a 2 unit block of flats. Officers do not consider any self-build CIL relief could be claimed for either unit as you cannot build half a building.

Overall Balance and Conclusion

Notwithstanding the applicant's description of development, I consider that the accommodation proposed within the building is capable of being occupied as two independent dwellings and I have assessed the application as such. The introduction of two dwellings into this location is considered to be acceptable in principle and the proposal would contribute to meeting the identified housing needs for Southwell which weighs in favour of the development. I have identified no harm in terms of highway safety or ecology and I have concluded that the impact on residential amenity is just about acceptable if it was robustly conditioned.

However it is considered that the proposed building would by virtue its design, siting, scale, form, bulk, massing and use of materials constitute a development that is overly intensive for this plot and inappropriate in setting and context that would appear result in an incongruous addition within the street-scene to the detriment of the character and appearance of the area. This harm in my view outweighs the benefits which could be provided for in a different form without causing such harm. The proposal is therefore recommended for refusal.

RECOMMENDATION

Refuse planning permission for the following reason:

01

In the opinion of the Local Planning Authority the proposal, in the context of this suburban area, represents an over development of the site by introducing an overly bulky, monolithic building where the design, siting, use of materials, scale, form and massing would be at odds with the street-scene and character and appearance of the area it its detriment and thereby contrary to Core Policy 9 (Sustainable Design) of the adopted Core Strategy (2011), Policy DM5 (Design) of the Allocations and Development Management DPD (2013) and Policy DH1 (Sense of Place) of the Southwell Neighbourhood Plan which together form the Development Plan, as well as the NPPF, a material planning consideration. There are no material planning considerations which outweigh the harm identified.

Notes to Applicant

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. However the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal. Whilst not all problems arising can be overcome some potential reasons for refusal have been negated.

BACKGROUND PAPERS

Application case file.

For further information, please contact Bev Pearson on ext. 5840

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 - 18/00785/FUL

