

PLANNING COMMITTEE – 7 AUGUST 2018

Application No:	18/01112/FUL	
Proposal:	Change of use from garages and apartment into a single dwelling house.	
Location:	3 Milner Street, Newark On Trent, Nottinghamshire, NG24 4AA	
Applicant:	Nostalgic Homes - Mr Clarke	
Registered:	13 June 2018	Target Date: 07 August 2018

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Newark Town Council has objected to the application which differs to the professional officer recommendation.

The Site

The site lies on the western side of Milner Street, close to the junction with London Road within the suburbs of Newark.

The site comprises a two storey flat roof building which currently has three garages at street level (one of the four garage doors actually accommodates a kitchen internally) with a flat above. The building is set back from the edge of the footway by 3.4m and the frontage is laid with hard standing.

Residential dwellings lie either side to the north (64 London Road), and south (no. 5 Milner Street) and to the rear/west is the garden of No. 62 London Road with No's 6 & 8 Winchilsea Avenue beyond.

The site is within the Newark Urban Area and is just outside of the Newark Conservation Area.

Relevant Planning History

EXP/00361/11 – Installation of 20 solar panels. planning permission required 30/06/2011. not implemented.

02/01358/EXP – Erect canopy over front door, pp not required 27/06/2002.

98/51284/EXP - Metal railings around flat roof to form roof garden planning permission required, 19.5.98.

EXP/00160/09 - Block pave driveway in front of four garages. Planning permission required 01/04/2009.

The Proposal

The application seeks full planning permission to change the use from garages with an apartment

above to a single dwelling. The proposal also involves some operational development comprising;

- Introduction of 'floating' canopy on front elevation and timber cladding;
- Change in design/size of glazed panel to front elevation;
- Introduction of one additional first floor window to front elevation;
- Change in design of front entrance door at ground level;
- Blocking up of garage door openings and replacement with 2 ground floor windows;
- Change in design/size of first floor windows at rear elevation;
- Omit rear doorway and replace with window;
- Enlarge 3 small rear windows to larger windows/patio doors;
- New external staircase leading to existing first floor balcony alongside northern boundary with privacy screen.

The following plans and documents have been submitted with the proposal:

- Site Plan as Existing RHA118-0010
- Floor Plans as Existing RHA1818-0011
- Elevations as Existing RHA1818-0012a
- Floor Plans as Proposed RHA1818-0021a
- Elevations as Proposed RHA1818-0022b
- Site Plan as Proposed RHA1818-0020b
- Design and Access Statement

Departure/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 giving an overall expiry date of 12 July 2018.

Planning Policy Framework

The Development Plan

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 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 14 – Historic Environment
NAP1 - Newark Urban Area

Allocations & Development Management DPD

Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy
Policy DM5 - Design
Policy DM7 - Biodiversity and Green Infrastructure

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance 2014

Consultations

Newark Town Council – Objection was raised to this application as it was felt that the proposed application was not in keeping with the street scene, it was incongruous to adjacent properties and would have a negative impact on the facing Conservation Area.

NSDC (Conservation) – “The application site sits outside, but adjacent to, the London Road area of Newark Conservation Area. This part of the Conservation Area is typified as being a residential suburb of Newark, with high status Georgian, Victorian and Edwardian villas.

This particular site is a row of flat roofed C20 garages with rooms over, which are notably out of character in their appearance, though are at least set back from the pavement edge and relatively low in height.

I have no objection to the proposal, which sees the garages converted to residential and the existing building having a ‘facelift’ with a render and cedar cladding façade added. This will still be a new building style for this otherwise quite consistent area, but by presenting a more contemporary and design led approach will in this case perhaps improve the area, especially as its more neutral elements (height and position in relation to the road) are being retained. The removal of the bank of up-and-over garage doors and their replacement with a more residential façade is also more in keeping with the area generally.

If the proposal does increase the impact of the building, it will be one with a more attractive and ‘finished’ design, with a more residential emphasis. As such I think there will be no harm on the setting of the Conservation Area, which while not a statutory duty to consider is still something the decision maker would be mindful to consider.

Given that the overall size and height of the building is little altered, and given the intervening buildings and townscape, I do not think there will be any material impact on the setting of Listed Buildings in the vicinity.”

Representations have been received from 1 local resident which can be summarised as follows:

- The apartment building on Milner Street was built very close to the boundary wall separating 62 London Road. The apartment at present has large, upstairs, rear windows totally overlooking the garden of no. 62 London Road.

Ask that planners look at the plans sympathetically and request that larger windows at the rear of the new house should be placed lower down so that they do not directly overlook neighbours garden and higher windows should be small or frosted.

Comments of the Business Manager

The Principle of Development

The site lies within the defined Newark Urban Area according to the policies map forming part of the Development Plan. 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 focus for housing and employment growth in the District.

This proposal would result in no net gain in housing as part of the site is already in residential use as a 2 bedroom flat and this would change it to a 3 bedroom house. Therefore the principle of residential use is already established and in any event the location of the site means that its use would be supported by policy, given its relatively sustainable location.

Housing Mix

CP3 states that the LPA will seek to secure new housing which adequately addresses the local housing need of the district, including the elderly and disabled population. In a Newark context, there is no specific Housing Needs Survey for the town but I have had regard to the district wide Housing Needs Survey from 2014 and particularly the findings for the Newark Sub Area. This suggests that in Newark Sub Area (where this site falls) the overwhelming market housing need is for 3 bedroom dwellings (40.2%), followed by 2 bedrooms (33.7%), followed by 4 bedrooms (14.4%) then 5 bedrooms (8%) followed by 1 bedroom dwellings (at 3.7%). This proposal therefore would meet the most sought after type of dwelling.

Highway/Parking Matters

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.

The loss of the three garages is a consideration and in this respect clarification has been sought from the agent as to use of the existing garages. The agent has confirmed that all of the garages at ground level are associated with the existing flat and are not rented out. The existing two bedroom flat has three garages which is in my view excessive and unnecessary. The proposal would result in the loss of all three garages. Whilst this is not ideal, I am mindful that the existing garages may not have been used for the parking of cars even if they remained.

There is land available in front of the building that would allow two cars to be parked parallel to the building, off the highway if required. However many of the existing dwellings along this street rely on on-street parking. Towards this northern end of the street the housing is lower density and therefore there appears to be less pressure for on-street parking in the vicinity of the application site. In my view there would be ample on-street parking provision available for the occupiers of the proposed house without it leading to congestion of the street or becoming a nuisance to neighbours.

NCC Highways Authority have not made comments on this scheme as, given the applications minor nature, it now lies outside of their remit for bespoke advice. I do not consider that the either the loss of garages or the parking situation should lead to an unacceptable impact that would warrant a reason for refusal in this instance.

Design and Impact on Amenity (including Heritage)

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. In addition CP14 seeks to secure the continued preservation and enhancement of the character and appearances and setting of the district's heritage assets and historic environment, including the setting of Conservation Areas. DM9 requires that proposals take account of the distinctive character and setting of individual conservation areas and reflect this in their design, form, scale, mass and use of materials and detailing.

The site lies within the suburbs and adjacent to the Newark Conservation Area and as such the impact upon the setting on the Conservation Area has been considered.

I am mindful that Newark Town Council has objected on the grounds of an adverse impact to the street-scene and the Conservation Area.

Clearly this is a subjective matter, but in my view the removal of the four garage doors and replacement with new white rendered walls, new anthracite grey windows and the new floating canopy to the front in anthracite grey to match the fenestration is acceptable in terms of its visual appearance.

Members will note from the consultation section above that the Conservation Officer has raised no objection to the proposal on these grounds. I fully concur with the CO's views on this; the existing building does negatively impact upon the setting but I also consider that the alterations as proposed will bring about some minor improvements overall by making the building more contemporary in appearance, cohesive and resulting in the building having a more neutral impact on the surrounding area which would be a betterment. There is also no impact upon any listed building in the vicinity. Overall I consider that the scheme accords with the policies I have identified in this regard.

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 the NPPF states under chapter 12 'Achieving well-designed places' that planning decisions should ensure a 'high standard of amenity for existing and future users'.

There are some changes in fenestration to ground floor openings on the rear, but as these are ground floor and given the distance to the boundary I do not consider these will adversely affect the neighbours in terms of overlooking.

Existing first floor windows on the rear elevation level serve a kitchen and living area with the existing balcony serving the master bedroom. These windows are sited c4.8m from the boundary to the west which forms part of the boundary with a property on London Road. I note a representation from a neighbour has raised concerns on the basis that they are already overlooked from these windows and would like the matter to be considered sensitively.

The proposed plans show that on the rear elevation the windows would serve the living area and kitchen whilst the balcony would serve a study. Whilst the windows would change in design, all but the southern-most living room window would remain the same size, where this is enlarged

from a higher level window to be provided lower. Having inspected this internally, the existing window already overlooks the neighbour and lowering this will make no material difference in planning terms.

I also note that there is an existing first floor opening to the north side elevation of the apartment which is currently blocked up. This is just a few meters from the rear elevation of a residential property on London Road. Re-utilising this opening would in my view cause an unacceptable loss of privacy through direct overlooking. However as this window would serve the study which would also benefit from a window facing onto Milner Street itself and the rear windows to the balcony, I find this side window to be unnecessary in any event. I have therefore suggested that this window either be omitted or obscure glazed and non-opening to be controlled via a condition.

I therefore find that the proposed new fenestration details would have no more of an impact than already exists.

The erection of the external rear staircase would lead up to the existing balcony. There is already a degree of oblique overlooking of the property to the north. However the new external staircase would include the provision of a privacy screen which is shown to project c1.7m from the rear elevation which (subject to its design and being secured via condition) would in my view both mitigate against overlooking from the balcony and actually improve the existing privacy situation. I acknowledge that one could potentially stand halfway up the staircase and peer directly into the neighbours yard, but this is more likely to be fleeting and the privacy screen would provide beneficial screening to the most used part, being the balcony, which in my view balances out the limited harm.

Overall I find that there would be no unacceptable loss of privacy over and above the existing situation that would warrant a reason for refusal.

Planning Balance & Conclusion

The building is already in use as residential and therefore the principle of its use is already established. This application would change the unit from a 2 bedroom flat to a 3 bedroom dwelling, which is the most required type of market dwelling needed for Newark according to the most recent Needs Assessment.

In my view the external alterations to the building would have a minor improvement upon the character and appearance of the area, including the adjacent Conservation Area. Overall I have also concluded that there would be no worse an impact upon the residential amenity of neighbours through overlooking than the existing situation. Whilst the loss of 3 car parking spaces (within garages) is a slight negative, I am mindful that occupiers could park off the road in parallel to the building and in any event there is ample on-street parking available to residents which in my view would be unlikely to lead to congestion or nuisance for neighbours.

For the reasons set out above the proposal is considered to be acceptable subject to the conditions set out below.

RECOMMENDATION

Approve

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

Prior to first occupation of the dwelling hereby approved, full details of the privacy screen as shown on drawing no. RHA1818-0022b shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the materials of the screen and demonstrate how this will protect from overlooking (e.g. levels of obscure glazing etc). The approved privacy screen shall be erected on site in accordance with the approved details prior to first occupation and shall thereafter be retained in position for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: Insufficient detail has been provided with the application and this condition is necessary in the interests of protecting residential amenity of neighbours from direct overlooking.

03

Notwithstanding the approved plans, the first floor window to the north elevation serving the study as shown on the plan RHA1818-0022b is not approved. This window shall either be omitted from the scheme and blocked up (with materials to be agreed in writing by the Local Planning Authority) or shall be obscure glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

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

04

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

05

The development hereby permitted shall not be carried out except in accordance with the following approved plans, references Floor Plans as Proposed RHA1818-0021a, Elevations as Proposed RHA1818-0022b and Site Plan as Proposed RHA1818-0020b unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

Informative

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (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 given that there is no net additional increase of floorspace as a result of the development.

BACKGROUND PAPERS

Application case file.

For further information, please contact Clare Walker on ext. 5834.

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 - 18/01112/FUL

