Report to Planning Committee 16 February 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Lynsey Preston, Planner

Report Summary			
Application Number	22/01655/HOUSE		
Proposal	Demolition of existing garage, front conservatory/utility and rear porch. Proposed erection of 2-storey side extension and single-storey rear extension. New sliding gate.		
Location	4 The Orchards, Oxton, NG25 0SY		
Applicant	Ms Laura Mackin	Agent	Knights - Mr James Rigby
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage		
Registered	30.08.2022	Target Date Extension of time agreed	25.10.2022 TBA
Recommendation	That planning permission be REFUSED for the reasons detailed in Section 10 of this report		

This application is being referred to the Planning Committee by Councillor Jackson in accordance with the Council's Scheme of Delegation as the recommendation differs from that of the Parish Council, which is to support.

1.0 The Site

The property is a semi-detached two storey brick dwelling located on the edge of the built up residential area of Oxton. The site is within the washed over Nottingham – Derbys Green Belt, within the designated Oxton Conservation Area. The site is within Flood Zone 1 as defined by the Environment Agency flood maps which means it is at low risk of main river flooding and it is within an area at risk from surface water flooding.

The dwelling forms one of a row of mostly semi-detached properties of the same design with hipped roofs. Parking is available to the front of the dwelling for approximately 2 vehicles

and is accessed directly from The Orchards to the west of the property.

The dwelling has existing single storey extensions to the front and rear and a detached flat roofed garage to the south of the site.

2.0 Relevant Planning History

22/00102/HOUSE - Demolition of existing garage, front conservatory/utility and rear porch. Proposed 2 storey side extension and single rear storey extension. New sliding gate. Withdrawn

07/00839/FUL - Erection of single storey rear kitchen extension and conservatory to front Approved 27.07.2007

3.0 The Proposal

The proposal comprises the demolition of the front and rear extensions and the side garage and the erection of a two storey side extension, with hipped roof set below the ridge height of the existing roof (in brick and tile to match existing) and set in at first floor level, less at the front and more to the rear, single storey front lean-to extension (in brick and tile to match existing, other than the porch) and single storey rear flat roofed extension (in vertical stack bond brick with colour to match existing). The proposal also includes the erection of a sliding vehicular access gate to the front of the site, 3.1m wide by 1.8m high solid vertical timber board with a painted finish, situated within existing hedgerow.

The approximate dimensions of the proposed extensions are:

Rear extension
4.0m (depth) x 8.9m (width) x 3.0m (to top of parapet)

Front extension
3.4m (depth) x 9.0 (width) x 3.9m (ridge) x 2.3m (eaves)

Side extension
6.2m (length) x 2.9m (width) x 8m (ridge) x 4.7m (eaves)

The drawings submitted with the application are:

DRWG no. AM2-PLA-002 Site & location plan;
DRWG no. AM2-PLA-003 Existing ground floor plan;
DRWG no. AM2-PLA-004 Existing first floor plan;
DRWG no. AM2-PLA-005 Existing roof plan;
DRWG no. AM2-PLA-006 Existing east & west elevations;
DRWG no. AM2-PLA-007 Existing north & south elevations;
DRWG no. AM2-PLA-008 Existing site plan;
DRWG no. AM2-PLA-010 Proposed ground floor plan;
DRWG no. AM2-PLA-011 Proposed first floor plan;
DRWG no. AM2-PLA-012 Proposed roof plan;

DRWG no. AM2-PLA-013 Proposed east & west elevations;
DRWG no. AM2-PLA-014 Proposed north & south elevations;
DRWG no. AM2-PLA-015 Proposed site plan;
DRWG no. AM2-PLA-016 Proposed sliding gate;
DRWG no. AM2-PLA-017 Proposed sliding gate precedents;
Green Belt Impact Assessment;
Supporting Statement and Heritage Statement;

4.0 Departure/Public Advertisement Procedure

Occupiers of 3 properties have been individually notified by letter and a notice has been displayed at the site and an advertisement placed in the local press.

Site visit undertaken on 15.09.2022

5.0 Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019) (ACS)
Spatial Policy 4A – Extent of the Green Belt
Spatial Policy 4B– Green Belt Development
Spatial Policy 7 – Sustainable Transport
Core Policy 9 -Sustainable Design
Core Policy 10 – Climate Change
Core Policy 14 – Historic Environment

Allocations & Development Management DPD (adopted 2013) (ADMDPD)
DM5 – Design
DM6 – Householder Development
DM9 – Protecting and Enhancing the Historic Environment
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

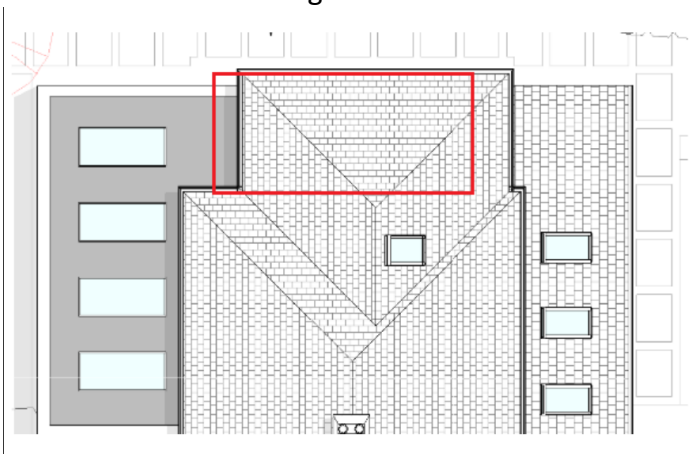
- National Planning Policy Framework 2021
- Planning Practice Guidance (online resource)
- Residential Cycle and Car Parking Standards & Design Guide SPD June 2021
- Householder Development SPD 2014
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

6.0 Consultations

Oxton Parish Council – Support the proposal.

NSDC, Conservation –
The original dwelling has had a few additions added to it over time. This includes the existing kitchen, utility and conservatory. The proposal is to demolish the existing utility and conservatory and erect a two-storey side extension and single storey rear extension. The

removal of these additions is an improvement to the overall appearance of the building. However, the conservation team have concerns in relation to the overall design of the proposed development.
Previous, informal advice was to push the two-storey extension away from the 'Principal' elevation. In this case, the principal elevation is referring to 'The Orchards' roadside. The submission has stepped the first floor in from the east elevation.
Due to the dual aspect of the property, it is considered that the first floor element needs to be stepped in to both the east and west elevation. Please see the red outline with a suggestion.
In addition, the proposed kitchen/living room extension adds an uncharacteristic element to the building which appears very bulky. It is recommended that this is reduced in depth and the flat roof is altered to a lean-to. The lean-to form will be more in keeping with the overall character of the building.



It is recommended that the above amendments are made to the proposal to reduce the visual impact of the proposed extensions.

NSDC, Tree and Landscape Officer A notwithstanding landscaping condition is requested. This should include

1. 10 years maintenance,
2. significant tree planting to the road frontage and along the rear /rural boundary. Suggested species for rear boundary beech (fagus sylvatica), Oak (Quercus rubur), Field maple (acer campestre), road frontage tulip tree (liriodendron Tulipifera), stone pine (pinus pinea).
3. Infrastructure adaption to accommodate tree planting

With appropriate mitigation (tree planting) the development should have a minimal landscape impact.

Two neighbour comments of support have been received stating the following:

- A great addition to a family home and benefit the family;
- Extension is tasteful and not intrusive towards any neighbour's property;
- A sensible improvement to the property;
- Proposal is in keeping with the street scene and respects the character of The Orchard.

7.0 Comments of the Business Manager – Planning Development

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for

planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

As the application concerns development within a conservation area, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') is particularly relevant. Section 72(1) also requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

The duty in s.72 of the Listed Buildings Act does not allow a local planning authority to treat the desirability of preserving the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the character or appearance of a conservation area, it must give that harm considerable importance and weight.

Principle of Development (including Green Belt Assessment)

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

Therefore in principle the alterations to domestic properties are acceptable, subject to other site specific criteria which are outlined below.

The site is located within the Green Belt where new development is strictly controlled through Spatial Policy 4B of the Core Strategy which defers householder development assessment to national green belt policy contained in the NPPF. The NPPF does allow for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building (paragraph 149). This Authority does not define what is meant by disproportionate. However as a guide, where other authorities have set limits, these tend to be around a 30 to 50% increase from the original building. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

I have carried out an assessment of the increase in size of the proposal taking footprint, floorspace (internal) and volume into consideration. I have also considered the figures within the agent's submitted Green Belt Assessment. The existing conservatory, front extension and detached garage are all elements that have been added to the construction of the original building, and so have been excluded from the calculations.

	Footprint m^2 (minus the conservatory, front extension and detached garage)	**Floorspace m^2 (minus the conservatory, front extension and detached garage)**	**Volume m^3**
Existing dwelling	57	GF – 47 FF – 41 = 88	359
Proposed dwelling	131	GF – 118 FF – 58 = 176	654
Total % increase	**129.8%**	**100%**	**82%**

It can be seen from the above table that the increase in size of the dwelling is around a 129.8% increase in footprint, 100% increase in floorspace and 82% increase in volume over and above the originally built dwelling. This is already well above the generally accepted guidance that anything above a 30-50% increase would represent a disproportionate addition. Therefore the addition of extensions above this, would constitute inappropriate development within the Green Belt unless very special circumstances exist to outweigh this harm. No very special circumstances have been advanced and there does not appear to be any that would outweigh the harm identified. The proposal would not comply with paragraph 149 (c) of the NPPF (2021) and results in a disproportionate addition to the existing dwelling that would result in harm to the openness of the Green Belt.

Other impacts and material considerations have been assessed below.

Impact on the Visual Amenities of the Area and heritage impact

Core Policy 9 of the Amended Core Strategy requires new development to 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 DM6 of the ADMDPD states planning permission will be granted providing the proposal "respects the character of the surrounding area including its local distinctiveness and the proposal respects the design, materials and detailing of the host dwelling." Policy DM5 of the ADMDPD states that the character and distinctiveness of the District should be reflected in the scale, form, mass, layout, design, materials and detailing of the development. The NPPF (2021) states the proposal should be visually attractive as a result of good architecture, layout……are sympathetic to local character (Para 130).

One of the main considerations in this application is the scale and massing of the proposed extension and its visual impact on the character and appearance of the conservation area. It is accepted that the proposed removal of the existing later additions to the dwelling would be an improvement.

The Council's Householder Development SPD at paragraph 8.3 provides guidance on the design of side additions and how they relate to the character of the locale. This states that it should be designed sensitively to the host dwelling and prevailing character of the

surrounding area. In addition it states that regard would be given as to whether the roof type and, in the case of a two storey side addition, the eaves and ridge heights respect and are able to be successfully integrate with the existing roof slope. Consideration should also be given as to whether the proposal would be successfully integrated with the host dwelling with particular attention given to replicating any external details which contribute to the character of the existing dwelling i.e. window design, eaves detailing for example.

Having taken the comments of the Council's Conservation officer into account, overall I consider the massing and bulk of the proposed two storey addition and hipped roof would be an obtrusive addition that would dominate the scale of the original cottage to an unacceptable degree and cause harm to the character and appearance of the Conservation Area.

The use of bricks and tiles to match the existing dwelling, is welcomed and would assist with assimilation to a degree, this does not overcome the concerns raised in relation to the size and scale. The concerns have been raised with the agent but they do not wish to make any amendments to the scheme. Therefore the proposal is being considered as submitted without amendment

The proposal also includes a new sliding gate to the frontage facing The Orchards. Whilst the hedge would be retained, the 1.8m high solid gate would result in a harsh visual intrusion into the wider area and introduce a high, solid and intrusive form of development that would result in an incongruous visually dominant feature to the street scene resulting in harm to the streetscene and character and appearance of the conservation area.

The proposal is therefore considered to result in a harmful visual impact upon the character and appearance of Oxton Conservation Area. Paragraph 202 of the NPPF (2021) states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal." As this is an extension to a domestic property, there are no public benefits which could be weighed against the harm identified.

The proposed two storey extension and access gate, are therefore considered to result in less than substantial harm to the character and appearance to Oxton Conservation Area. It is therefore unacceptable and fails to accord with Core Policy 9 and 14 of the ACS, policy DM5, DM6 and DM9 of the ADMDPD, the Council's Householder Development SPD and the NPPF which are material planning considerations. The proposal fails to preserve in accordance with the duty set out in s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon Residential Amenity

Policy DM6 of the DPD states planning permission will be granted for the erection of an extension provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy, light and overbearing impact. The NPPF (2021) states in Paragraph 130 that developments should ensure a high standard of amenity for existing and future users.

The proposal does not feature any windows on the newly positioned side elevation of the two

storey elevation facing the property to the south (no.5). Due to the juxtaposition with no.5, there would be no direct unacceptable overlooking impacts to the siting of this dwelling nor loss of light or overbearing impacts.

The proposed rear extension would replace an existing conservatory 3.5m deep, 2.4m high to eaves and approx. 0.5m off the common boundary, marked by a high mature hedgerow. However the replacement extension would be built up to the shared boundary with No 3 to the north thus removing the existing boundary treatment. This would result in a 4m long wall at 3m in height along the common boundary with no.3. This neighbour does not have any existing single storey rear additions. The proposed extension due to its increase in height and depth and closer proximity to the neighbouring property will have a greater impact on the amenity of this neighbour, it is considered that due to the existing boundary treatment and the existing conservatory, that this neighbour would already experience an element of loss of light, and that the proposed replacement extension is not considered to result in a significantly increased adverse impact to warrant refusal of permission. In addition, the siting of the proposed extension along the shared boundary would have some over-bearing impact on the external space to the rear of no.3, however, the impact is not considered so harmful to the amenities of these residents to warrant refusal of permission.

It is therefore concluded that the proposal is acceptable from a neighbour amenity perspective and complies with Policies DM5 and DM6 of the ADMDPD, the NPPF and the Householder development SPD which are material planning considerations.

Impact on highway safety and parking provision

The Council's Residential Parking SPD states for a 4 bedroomed dwelling in the Oxton area, there should be a recommended minimum car parking provision of 3 spaces. The site can only realistically provide 2 spaces, as shown on drawing no. AM2-PLA-015. Given this, and the access is via a private driveway, the proposal is likely to result in additional vehicles parking on the private driveway outside the boundaries of the site. Spatial Policy 7 of the ACS states proposals should provide appropriate and effective parking provision both on and off site. The SPD states as key principle 2, that proposals should ensure effective parking provision both on and off site and not create new or exacerbate existing parking demand.

The parking arrangement is a different arrangement from the current tandem parking layout. It is a finely balanced judgement whether the proposal would result in harm to local parking provision and it is one which officers have considered carefully. The layout of parking as shown on drawing no. AM2-PLA-015, shows 2 parking spaces laid out within the site. Realistically more vehicles could be parked along the southern boundary in a tandem arrangement but this would hinder the manoeuvrability of other vehicles within the site. It would also result in vehicles reversing on to The Orchards. However this is a private driveway and not an adopted highway and not unlike the existing arrangement. Additional parking provision could be provided within the site to meet the required provision stated within the SPD, as illustrated on the submitted drawings.

Therefore although the parking situation is not ideal, the reversing of vehicles onto The Orchards is not unlike the existing arrangement and The Orchards is not an adopted highway. Therefore on this basis the proposal for the parking and impact on highway safety is

considered acceptable and accords with the Spatial Policy 7 of the ACS and policy DM5 of the ADMDPD and the Council's Residential Parking SPD.

The erection of the sliding gate, due to the siting on a private driveway would not have any detrimental impact upon the adopted highway network. Vehicles would have to wait on the private driveway in order for the gates to open, and although this would result in a conflict to other road users using the driveway, this is a private driveway and located approximately 25m from the adopted highway so as not to result in bottlenecking there.

Therefore the proposal is generally acceptable and would result in an acceptable highway safety impact and accords with Spatial Policy 7 and Policy DM5 of the ADMDPD and the Council's Residential Parking SPD.

Impact on trees

Policy DM5 of the ADMDPD states wherever possible green infrastructure should be successfully integrated. Core Policy 12 of the ACS states proposals should seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity.

The proposal includes the removal of a tree to the rear which would be impacted by the construction of the extensions. This has not raised an objection from the Council's Tree Officer subject to a landscaping condition ensuring a replacement. The parking to the front of the site is located underneath a tree canopy and it is suggested that a condition is attached ensuring the infrastructure for the parking area is submitted.

Therefore subject to appropriate conditions, the impact on the trees and green infrastructure, is considered acceptable.

Flooding/surface water run-off

The site is located within flood zone 1 (low risk) and in an area at risk from surface water flooding. The proposed extension would be designed to be able to dispose of surface water adequately without resulting in increased flood risk to surrounding properties. The site contains other areas of porous surfacing which is considered would assist with acceptable disposal. The front driveway would be constructed of a porous material too which would assist with run-off.

8.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

9.0 Conclusion

In conclusion, the proposal represents a disproportionate addition to the dwelling which would result in spatial and visual harm to the Green Belt as a result of inappropriateness and there are no very special circumstances which would outweigh this harm. In addition, the two storey side extension would result in an unacceptable, dominating addition to the application dwelling as a result of its inappropriate scale and massing, together with the proposed 1.8m high solid boarded timber gate along the back edge of the footway, which would result in less than substantial harm to the character and appearance of the Conservation Area through the negative impact on both the application dwelling and the wider streetscene. The harm identified cannot be outweighed by any public benefit.

Matters of highway safety, neighbour amenity, flood risk and trees are considered acceptable.

The proposal however fails to comply with Spatial Policy 4B, Core Policy 9 and 14 of the Newark and Sherwood Amended Core Strategy and Policies DM5, DM6 and DM9 of the Allocations and Development Management DPD and the guidance within the NPPF, which is a material planning consideration and the duty to preserve set out in Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990. Accordingly it is recommended that planning permission be refused.

10.0 Reasons for Refusal

01

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belts are their openness and their permanence. The site is located within the Nottingham-Derby washed over Green Belt whereby development is considered inappropriate unless it meets one of the listed exceptions. The extension or alteration of a building is considered one of those exceptions provided that it does not result in a disproportionate addition over and above the size of the original building. Due to the amount of additions proposed over and above the size of the original building, the proposal is considered to be disproportionate and therefore constitutes inappropriate development in the Green Belt. The proposal would result in spatial and visual harm to the openness of the Green Belt and there are no very special circumstances which would outweigh the harm identified.

In the opinion of the Local Planning Authority the proposal is considered to be contrary to the Spatial Policy 4B of the Newark and Sherwood Amended Core Strategy and Section 13 of the NPPF (2021) which is a material planning consideration.

02

In the opinion of the Local Planning Authority, the proposed two storey side extension would, by reason of its inappropriate scale and massing, result in an unacceptable, dominating addition to the existing dwelling. Furthermore the design, siting and height of the proposed access gate to the front of the site would result in a harsh, intrusive, incongruous feature to the street scene that would harm both the public realm and the designated heritage asset.

The proposal would thereby result in less than substantial harm to the character and appearance of Oxton Conservation Area, which cannot be outweighed by any public benefit.

The proposal is therefore contrary to the duty contained within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of Core Policy 9 and 14 of the Newark and Sherwood Amended Core Strategy (2019) and Policy DM5, DM6 and DM9 of the Allocations & Development Management DPD (2103) as well as the NPPF (2021) which forms a material planning consideration.

Informatives

01

Plans and documents considered:
DRWG no. AM2-PLA-002 Site & location plan;
DRWG no. AM2-PLA-010 Proposed ground floor plan;
DRWG no. AM2-PLA-011 Proposed first floor plan;
DRWG no. AM2-PLA-012 Proposed roof plan;
DRWG no. AM2-PLA-013 Proposed east & west elevations;
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DRWG no. AM2-PLA-015 Proposed site plan;
DRWG no. AM2-PLA-016 Proposed sliding gate;
DRWG no. AM2-PLA-017 Proposed sliding gate precedents;
Greenbelt impact assessment;
Supporting statement and Heritage statement;

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.

03

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/

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

Committee Plan - 22/01655/HOUSE