



Report to Planning Committee 16 February 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Lynsey Preston, Planner

| REPORT SUMMARY | | | |
|---------------------------|---|--------------------------|-----------------|
| APPLICATION NUMBER | 22/01550/HOUSE | | |
| PROPOSAL | Proposed shed. Revised rooflights and new dormer window to rear elevation | | |
| LOCATION | Manor Lodge, Manor Walk, Epperstone, NG14 6RP | | |
| APPLICANT | Mr and Mrs Frudd | Agent | Trevor Muir Ltd |
| WEB LINK | https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simplesearchresults.do?action=firstpage | | |
| REGISTERED | 09.08.2022 | TARGET DATE | 04.10.2022 |
| | | Extension of time | 20.03.2023 |
| Recommendation | That planning permission be Approved subject to the Conditions detailed at Section 11.0 of this report | | |

This application is being referred to the Planning Committee for determination by the local ward member, Councillor Jackson, due to incremental encroachment into the Green Belt and the need for additional storage buildings.

1.0 Background

The application is before Members due to a change in the red line plan as Members queried the ownership of the garages on the site. Amended plans have been received which is reflected in the plans section of the report and highlighted in bold. The receipt of these plans does not affect the consideration of the application or the Officer recommendation. The conditions have been updated to reflect the late items as per the February committee.

2.0 The Site

The application relates to a single storey detached dwelling located within the built-up area of Epperstone, the defined conservation area and within the washed over Nottinghamshire-

Derbyshire Green Belt.

The dwelling is bounded to the east by a 2m high (approximate) brick wall and to the west by a 3m high hedge.

Land to the east forms the central parking area for other residents and immediately north of the site are a range of domestic garages. The site is accessed from Main Street to the north via Manor Walk, which also serves the wider Epperstone Manor development. Three listed buildings are located along Main Street within 50m of the site.

The Epperstone Part no.1 TPO 55 allocation are located beyond the boundary to the east (G29 TPO 55).

3.0 Relevant Planning History

18/02308/FUL Householder application for mower store and log store Approved 12.02.2019

11/00562/FUL Erection of dwelling (plot 31) and garage block Approved 19.10.2011

Removal of Permitted Development Rights for the following Classes:

Class A: The enlargement, improvement or other alteration of a dwellinghouse, including extensions to the property and the insertion or replacement of doors and windows.

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

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

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

Class E: Development within the curtilage of a dwellinghouse.

Class G: The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

Class H: The installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

Or Schedule 2, Part 2:

Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Class B: Means of access.

Class C: The painting of the exterior of any building.

Or Schedule 2, Part 40 of the Order in respect of:

Class A: The installation, alteration or replacement of solar PV or solar thermal equipment.

Class B: The installation, alteration or replacement of standalone solar within the curtilage of a dwelling house.

Class E: The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse.

Class F: The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse.

07/00244/FULM Demolition of existing buildings and conversion and new build to form 36 new dwellings Approved 03.08.2007

4.0 The Proposal

The proposal is for the insertion of a roof dormer within the south roof slope of the dwelling, a new first floor gable window in the east elevation, replacement larger rooflights (4 in total). In addition, the proposal includes the erection of a new timber shed abutting the existing outbuilding.

The approximate dimensions of the developments are:

Outbuilding

3.8m (width) x 3.8m (depth) x 2.8m (ridge) x 2.2m (eaves)

Roof dormer

1.8m (width) x 3.1m (depth) x 2.1m (height)

Plans and documents submitted with the application

Location plan;

DRWG no. 2382/1 **Rev B** Existing site plan;

DRWG no. 2382/2 **Rev G** Proposed site plan;

DRWG no. 2382/3 **Rev A** Existing floor plans;

DRWG no. 2382/4 Existing elevations and sections;

DRWG no. 2382/5 **Rev J** Proposed floor plans;

DRWG no. 2382/6 Rev K Proposed elevations and section;

DRWG no. 2382/7 Rev B Proposed floor plan and elevations (shed);

DRWG no. EDJ-VAS-110-0110 Velux;

DRWG no. 2382/D1 Proposed window detail;

Planning and Heritage Statement (08.08.2022).

5.0 Departure/Public Advertisement Procedure

Occupiers of 5 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.

Site visit undertaken on 13.09.2022

6.0 Planning Policy Framework

Epperstone Neighbourhood Plan 12.12.2019

Policy EP11: Design Principles

Policy EP14: Listed Buildings

Policy EP15: Epperstone character buildings, walls and structures of local heritage interest

Policy EP16: Epperstone Conservation Area

Policy EP17: Epperstone Historic character

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

Spatial Policy 4A – Extent of the Green Belt
Spatial Policy 4B– Green Belt Development
Core Policy 9 -Sustainable Design
Core Policy 14 – Historic Environment

Allocations & Development Management DPD

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) (PPG)
National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
Residential Cycle and Car Parking Standards & Design Guide SPD June 2021
Householder Development SPD 2014
S.66 and S.72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

7.0 Consultations

Epperstone Parish Council – Objection

- The property is in very close confines of the grade 2 listed Manor adding significantly to the sensitivity needed for considering the application.
- The property & its grounds & all land surrounding it are located in the Conservation area.
- Dormer would be seen from the public road.
- Permitted Development rights were withdrawn
- The Parish Council decision is for all the above reasons is therefore to OPPOSE the Application for the dormer particularly on sightline visibility & mass.
- Planning Application 18/02308 granted permission for 2 stores.
- Concern that this would be converted to a separate dwelling and the land separated. The Parish Council OPPOSE this additional storage and see no need for it.

Conservation – 07.12.2022 The amendments to the dormer address the conservation teams concerns to the dormer window.

06.09.2022 The proposed extension to the existing outbuilding is acceptable in principle. However, the double doors and window adds a very domestic characteristic to the building. As it is designed for storage and therefore the need for natural light is minimal, it is recommended that the window is removed, and a single solid timber door is proposed.

In principle the proposed dormer is acceptable. However, the width of the dormer should be

reduced. This will help minimise the visual impact of the proposed roof alterations when viewed from the south.

Cadent Gas - No objection, informative note required

9 Neighbour/Interested party comments

- Shed – complete eyesore to the landscape;
- Hedge is not a consistent 3m, so not guaranteed to screen the proposed shed;
- No objection to the dormer or rooflights;
- Object to the condition of the land, storage of the boat and builders yard condition; not commensurate with the Green Belt or Conservation Area;
- Concerns about the delivery of materials and the use of lorries accessing the site and delivery/storage of materials causing an eyesore;
- Increases the number of bedrooms from 2 to 3;
- Why does the shed need to be designed like that? What's its purpose? It should have a single access door and no windows;
- The rear dormer window is approximately the same height level as my own bedroom window and positioned directly opposite. Concern about lack of privacy and obscure glass would negate these concerns;
- Object to the side windows as these look directly into my property both upstairs and downstairs as it is on higher level and they would be able to see us passing through to the bathroom. Frosted glass would alleviate this.

8.0 Comments of the Business Manager – Planning Development

Neighbourhood Plan

The PPG 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 17 December 2019, Newark and Sherwood District Council adopted the Epperstone 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 Epperstone. 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 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 applications concern designated heritage assets of a listed building and the conservation area, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are particularly relevant. Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker "*shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*" 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 duties in s.66 and s.72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and 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 setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

Principle of Development

Householder developments are acceptable in principle subject to an assessment of numerous criteria outlined in Policy DM6 of the DPD. These criteria include the provision that the proposal should respect the character of the 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. Policy DM9 states development affecting the setting of a listed building must demonstrate it is compatible and the impact on the special architectural or historical interest is justified.

Therefore, in principle 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 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.

The resulting outbuilding is detached and on the literal reading of the NPPF, new outbuildings within the Green Belt are always inappropriate. However recent case law (reference Warwick

District Council and Secretary of State for Levelling Up, Housing and Communities and Mr Jules Storer Mrs Ann Lowe EWHC 2145 August 2022¹) concludes that paragraph 149(c) of the NPPF is not to be interpreted as being confined to physically attached structures but can include structures which are physically detached from the dwelling of which they are an extension (paragraph 52 of the Case) to. As the original outbuilding in 2018 was considered as such, and this is an extension to that building, it is now difficult to deviate from this original assessment, given the extension would result in the building being located closer to the original dwelling.

I have carried out an assessment of the increase in size of the proposal taking footprint, floorspace (internal) and volume into consideration.

The table below shows this impact.

(All calculations are approximate)

| | Footprint m² | Floorspace m² | Volume m³ |
|--|--------------------------------|---------------------------------|-----------------------------|
| Original dwelling | 302 | 295 | 924.9 |
| Resulting dwelling (incl. outbuildings & roof dormer) | 349 | 338 | 1016.1 |
| Total | 15.5% | 14.5% | 9.8% |

It can be seen from the above table that the increase in size of the dwelling, would be proportionate against the original dwelling. On this basis and given that calculations above show a proportionate addition, it is considered that there would be no impact upon the openness of the Green Belt.

It is noted that open fields are located beyond the application boundary to the south, however the buildings are sited within a group of existing built development and would not affect this aspect.

As such the proposal is acceptable in principle in relation to the Green Belt.

Other material considerations also have to be taken into account and these are explored below.

Impact on the Visual Amenities of the Area and heritage

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.

Core Policy 9 ‘Sustainable Design’ requires new development proposals to, amongst other things, “achieve a high standard of sustainable design and layout that is capable of being

¹ <https://www.tpexpert.org/wp-content/uploads/2022/08/2145.pdf>

accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments.”

Paragraph 197 of the NPPF (2021) states that in determining applications Local Planning Authorities (LPAs) should take in to account the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness. Any loss of significance will require justification with the ultimate outcome for the development to cause no harm which is reflected in S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. S.72 of the same Act states special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area.

The siting of the extensions are not readily visible from the wider Conservation Area and would result in no harm to the setting of the Listed Buildings. The comments raised by the Conservation Officer on the design of the dormer, have been taken into consideration by the applicant and subsequently the original design has been altered to their satisfaction.

The design of the extension to the tractor store and the inclusion of windows, has not been amended as this aspect would have limited impact upon the conservation area and would be sited between the existing outbuilding and the house and it is not considered expedient to pursue these alterations with the applicant. Whilst Conservation has raised concerns regarding the domestic appearance of the outbuilding, it is considered regard should be given to the context of this site which is for a dwelling and its residential curtilage. Development that is domestic in character in such a circumstance is not considered unusual or unnatural. Therefore the proposal is considered to result in no harm to the setting of the Listed Building or to the character and appearance of the conservation area.

The proposal is therefore considered to be acceptable and accords 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 is a material planning consideration as well as S.66 and 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 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 for the extension to the outbuilding, would not result in harm to neighbour amenity from overbearing, loss of light or privacy impacts, due to its siting relative to adjoining dwellings.

The enlargement of the rooflights does not result in additional rooflights over the original quantum to the existing building. Their siting on the building is considered acceptable and would not result in loss of privacy to neighbouring occupiers.

The insertion of the dormer window to the south elevation, results in an additional window within this elevation. There are no dwellings immediately south of this property that would be directly impacted by this window. Oblique views would be achieved to the east over the communal parking area. The first floor window on the east elevation is sited approximately 30m from no.7 Manor Walk. Comments have been received stating this window should be obscure glazed, given the distance this is not considered such that the window would result in direct loss of privacy to occupiers, however the applicant has confirmed that this window will be made obscure glazed and a condition can be imposed to secure this.

Therefore, due to the siting of the windows and the juxtaposition to neighbouring occupiers, the proposal as a whole is not considered to result in harm to the amenities of neighbouring occupiers.

The proposal complies with Policies DM5 and DM6 of the ADMDPD, the NPPF and the Householder development SPD which are material planning considerations.

Impact upon Highway Safety

The proposal does not result in and changes to the availability of land for parking at the property. The dwelling is 2 bedroomed, although the first floor could be used as a bedroom, but this is unspecified on the plans. The Council's Residential Cycle and Car Parking Standards & Design Guide SPD states that for this location, a 3 bedroomed dwelling should provide 3 parking spaces. Given the garaging at the property, this allocation is achievable without detriment to highway safety.

As such the proposal complies with Spatial Policy 7 of the ACS and policy DM5 of the ADMDPD.

Impact on Flooding/surface water run-off

The site is located within Flood Zone 1 as defined by the Environment Agency data maps and within an area at risk from surface water. It is not considered that the additions would result in harm to surface water run off to the neighbouring or application site.

Other Matters

Much concern has been raised by residents and the Parish Council over the condition of the land and the siting of a boat and storage containers, which have been there for many years. Having spoken with the Council's Enforcement Officers they are aware of the condition of the land and have previously served a S.215 notice (Untidy Land) which the owner had made attempts to implement. However, this notice did not include the boat or the storage containers. Officers are currently proactively working with the in relation to this matter.

TPO trees are located beyond the site but are not impacted upon by this development.

9.0 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.

10.0 Conclusion

The design and siting of the outbuilding and the roof dormer is such that it would result in a proportionate addition to the dwelling and not result in harm to the openness of the Green Belt. The design of the development would not result in harm to the setting of the Listed Building or to the character or appearance of the conservation area.

The addition of the windows, especially the gable window, due to the siting approximately 30m from the nearest dwelling, would not result in harm from direct overlooking which would be harmful to their amenity. The remaining windows are sited so as not to result in harm to neighbour amenity due to the juxtaposition with neighbouring occupiers.

Matters of highway/parking provision and flooding/surface water impact, are considered acceptable.

The proposal therefore accords with the Development Plan taking in to account the NPPF (2021) and PPG which are material planning considerations.

11.0 Conditions

01

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

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

02

The development hereby permitted shall not be carried out except in complete accordance with approved proposed plans reference;

Location plan;

DRWG no. 2382/1 Rev B Existing site plan;

DRWG no. 2382/2 Rev G Proposed site plan;

DRWG no. 2382/5 Rev J Proposed floor plans;

DRWG no. 2382/6 Rev K Proposed elevations and section;

DRWG no. 2382/7 Rev B Proposed floor plan and elevations (shed);

DRWG no. EDJ-VAS-110-0110 Velux;

DRWG no. 2382/D1 Proposed window detail.

Reason: So as to define this permission.

03

The roof dormer shall be constructed in accordance with the materials as stated on drawing no. 2382/6 Rev K.

Reason: In order to preserve or enhance the character and appearance of the Conservation Area.

04

The timber building (shed) shall be finished in materials to accord with the letter submitted from the agent dated 01 February 2023 comprising douglas timber fir cladding with clear preservative and black felt shingle roof.

Reason: In order to preserve or enhance the character and appearance of the conservation area.

05

The first floor gable window on the south east elevation as shown on drawing no. 2382/6 Rev K, shall be obscure glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development.

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

Informatives

01

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

02

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the gross internal area of new build is less 100 square metres

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions Prior to carrying out works, including the construction of access points, please register on www.lineearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

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 - 22/01550/HOUSE

