

Report to Planning Committee 7 September 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Yeung Browne, Planner, Ex 5893

Report Summary			
Application Number	23/00668/HOUSE		
Proposal	Erect single storey rear extension (part retrospective)		
Location	2 St Marys Drive Edwinstowe NG21 9LY		
Applicant	Mrs Amanda Fletcher	Agent	Mr Neil Fey
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage		
Registered	27.04.2023	Target Date	20.06.2023
Recommendation	That planning permission is approved subject to conditions outlined at section 10 at the end of this report.		

The local ward members, Councillors Celia Brooks, Andy Freeman and Paul Peacock have been notified of this proposal. Councillor Paul Peacock has requested to call-in this application to Planning Committee in the event of an approval with the following reasons:

- the loss of amenity to the adjoining neighbouring dwelling
- the method of colouring the bricks
- the length of time this has been going on (not material planning consideration)
- number 4 not being able to maintain their boundary fence properly (not material planning consideration)
- the impact of the building causing damp at number 4 (not material planning consideration)
- the fact that this is retrospective, and the proper planning process was ignored (not material planning consideration)

1.0 The Site

The site is located within the defined settlement boundary of Edwinstowe, which is identified as a Service Centre by Spatial Policy 1 of the adopted Core Strategy. The site is located outside to the designated Edwinstowe Conservation Area, approximately 45m to the west.

The site consists of a traditionally built 1960's, two-storey, semi-detached residential dwelling and associated curtilage. The property is built in pale yellow/buff bricks and is located on a corner plot at the junction of St Edwin's Drive and St Mary's Drive. Both St Edwin's Drive and

St Mary's Drive are on a gradient; the property is on higher ground than other dwellings on St Mary's Drive but lower than the dwellings on St Edwin's Drive.

There is an existing single detached garage (part demolished) to the west of the site accessed from St Edwin's Drive and positioned on higher ground level than the main dwelling.

Boundary treatments consist of brick pillars and low wall topped with timber fence panels standing at c.1.8m in height fronting both St Mary's and St Edwin's Drives. A section of timber boarded fence marks the boundary between the adjoining dwelling (no. 4 St Mary's Drive) to the south. The two storey extension approved in 1979 does not appear to have been implemented. Neighbouring properties are residential and of a similar age and style.

2.0 Relevant Planning History

6779248 – Two storey extension. Approved 14.06.1979 (Not implemented).

3.0 The Proposal

The development proposal seeks part retrospective planning permission for a ground floor extension to the rear elevation of the dwelling. The proposed structure would project 4.58m from the original rear elevation, spanning 3.41m in width approximately. A pitched roof was originally proposed but has now been amended to a flat roof with skypod lantern above. This would stand at 2.58m to the top of the flat roof (reduced from 2.72m) and c.3.0m to the top of the lantern (reduced from 3.36m to the ridge).

The proposal includes a full brick wall on the southern elevation adjacent to the shared boundary with guttering positioned on the same elevation overhanging above the shared boundary fence. The opening on the west (rear) elevation consists of a standard size window sitting above a section of low brick wall. A single width door and additional three pane window would be positioned on the northern elevation of the proposed structure. As currently built so far, the extension is in red bricks albeit it is proposed to now use a render overcoat to the external bricks with Sandtex Trade high Cover Smooth Masonry coating (in Smooth Oatmeal) with a British Board of Agrément (BBA) approved life expectancy up to 15 years' durability as stated on the Sandtex trade brochure.

Due to the potential restricted access to the southern elevation, a method statement was also submitted to support and explain how the overcoating to brickwork can be achieved on the southern elevation.

The following documents have been submitted with the application:

- Site location plan, received 18 April 2023
- Proposed Block plan, received 18 April 2023
- Existing rear and side elevations with ground floor plan received 18 April 2023
- Revised Proposed rear and side elevations with roof plan received 01 August 2023
- Revised south elevation, section and alternative positions for rainwater pipes received 01 August 2023
- Method statement received 01 August 2023
- Sandtex trade brochure received 01 August 2023
- Skypod/ lantern roof booklet received 01 August 2023
- Supporting statement received 01 August 2023

4.0 Departure/Public Advertisement Procedure

Occupiers of five properties have been individually notified by letter on the original application. Seven notifications (including 3 to local ward Councillors) were sent on 1st August 2023 to the relevant parties in regard to the amended scheme.

5.0 Planning Policy Framework

The Development Plan

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

- Core Policy 9 -Sustainable Design

Allocations & Development Management DPD (adopted July 2013)

- DM5 – Design
- DM6 – Householder Development

Other Material Planning Considerations

- National Planning Policy Framework 2021
- Planning Practice Guidance
- Householder Development SPD (2014)

6.0 Consultations

NB: Comments below are provided in summary - for comments in full please see the online planning file.

(a) Statutory Consultations

none

(b) Parish Council

On the original proposed scheme: -

Edwinstowe Parish Council – no comment received

On the amended scheme:-

Edwinstowe Parish Council – no comment received.

(c) Representations

On the original proposed scheme: -

Two letters were received from nearby resident and owner, objected to the proposal on the following grounds:

- The structure is much higher and longer than we were led to believe prior to the commencement of the work.

- A 3 metre height wall at 4.6 meters in length is very imposing, creating an overbearing presence. There is very little space between the erected red 3-meter wall and the shared boundary fence.
- Once the roof is installed, the new structure would block out the evening sunshine into the rear garden area of the adjoining property & living room
- The gutter arrangement could potential over hanging above the shared fence once is added to the side of this red building.
- The gutter arrangement could cause future issue, the owner/occupier of the adjoining dwelling would not be able to remove any of the boundary fence panels for maintenance once guttering is added
- The lack of space between the two dwellings would also mean the applicants would need to gain access through the adjoining property if they needed to perform any maintenance on their building.
- The use of red brick does not match the surrounding brickwork or property's buff bricks in the vicinity
- The partly erected building/wall has already cause damp/mould patch on the shared wall of the two properties. This has happened since the erection of the structure, and the adjoining dwelling has been occupied by the same people since 2015.
- To look out onto your patio and see a red brick 2.7 meter-high wall is quite overwhelming and this is before the “second hand unglazed roof arrangement” that’s presently languishing on the front lawn awaiting to be fastened to the red brick unauthorised structure.
- This new structure could have a detrimental impact on the property value and the property values of other residents having to look onto this eyesore also.

On the amended scheme:-

One letter was received from owner of the neighbouring property, objecting on the following grounds:

- Overcoating the red brick wall is not acceptable, the red brickwork will return in short space of time and will have a visual appearance similar to a ‘Patchwork Quilt’.
- The durability of 15 years stated on the Sandtex brochure is subject to on-going regular maintenance, not a 15 years guarantee.
- Painting or colouring through disguise will never match the host brick in both colour or surface texture.
- No damp occur to the property (no.4) prior to the erection of the red brick wall since February 2023.
- The total height in the previous drawings was 2.72m (eaves height above ground level) while in a descending garden, the new structure would be lower the further away from the main property, but it would still be outside of the permitted development regulations allowed.
- The structure was built outside of the PD regulations, and without building regulation, no party wall notification was served.
- The new structure would have detrimental effect and overbearing impact on occupiers to no.4 St Mary Drive, and de-value the property.

7.0 Comments of the Business Manager – Planning Development

The key consideration in this case relates to:

- 1) The visual impact upon the character and appearance of the area and
- 2) The impact on residential amenity.

Both key issues will be discussed in turn along with other relevant matters.

Principle of 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.

Under Policy DM6, the principle of householder development is supported, subject to applicants demonstrating compliance with the relevant policy criteria and the advice contained in the Council's Householder Development SPD. Policy DM5, underpinned by Core Policy 9, also sets out a range of matters for consideration when determining planning applications in relation to design. The NPPF reinforces the above policies, making clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Impact on Visual Amenity and Character of Area

Core Policy 9 seeks to achieve a high standard of sustainable design which is appropriate in its form and scale to its context, complementing the existing built and landscape environment. Policy DM5 require 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 states that planning permission will be granted for householder development provided that the proposal reflects the character of the area and existing dwelling in terms of design and materials.

LDF Policy CP9 sets out a clear aim for all new development to achieve a high standard of design that is of an appropriate form and scale to its context, complementing the existing built environment. This is reinforced by Policy DM5, which emphasizes the need for new development to reflect the scale, form, mass, layout, design, materials and detailing of the District's rich local distinctiveness (criterion 4).

Part 12 of the NPPF (Achieving Well Designed Spaces) paragraph 130 states inter-alia that development should be visually attractive as a result of good architecture, should be sympathetic to local character and history, and should maintain or establish a strong sense of place. Paragraph 134 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

The single storey rear extension is situated to the rear of the property. The NSDC Householder SPD advises that additions should be designed in a way which is sensitive to the host dwelling and prevailing character of the surrounding area. While this rear extension is not readily visible from St Mary's Drive, it is readily visible when viewed from St Edwin's Drive due to its corner plot position.

In terms of scale, the revised scheme would see the single storey element project 4.58m from the original rear wall of the host dwelling, standing at 2.52m in height approximately with a flat roof; this is reduced from the original scheme which proposed a pitched roof.

The use of external material in the extension has been amended to overcoating the already built red brickwork with Sandtex Trade high Cover Smooth Masonry coating in 'Oatmeal' - a cream colour. The Sandtex trade manufacture brochure gives a durability of 15 years.

The dwellings on St Mary's Drive are typically brick built in buff colour, with some of them part rendered. There are some dwellings on St Edwin's Drive that are completed with red brick and cladding on the front elevation.

It is acknowledged that existing red brickwork as built is unsympathetic and visually jars with the host dwelling. The revised scheme includes the use of overcoating on the existing brickwork on the new structure with a cream paint product. It is considered this would provide a similar colour as the host dwelling and reduce the visual impact from the proposed addition. The height of the eaves on the new structure would be at 2.52m approximately when measure from ground level.

Single storey ancillary flat roofed elements are not uncommon in the area. The proposed structure would be completed with similar colour overcoated brickwork as the host dwelling which would assist in its assimilation to the existing dwelling. Similar scale and style extensions have been carried out by neighbouring properties within the vicinity and it is not considered the proposed development is out of character. While the proposed addition lacks any design interest and could be visible from the side elevation and from St Edwin's, the proposed addition is considered to be reasonable scale and would positioned to the rear of the host dwelling.

The neighbour concerns regarding the durability of the overcoating, that it will require regular maintenance and that could result in the external materials not matching to the host dwelling sometime after the proposed development is completed are noted. The long term maintenance of the overcoating would go beyond what would ordinarily be achieved by planning controls. However, from reviewing the sample of the bricks provided by the applicant's agent, it is clear that the bricks would appear stained rather than coated in a traditional paint that would be more prone to peeling. A sample of the finished product will be available for Members to view on the site visit. In this case, the proposed colour of the overcoating is considered to be acceptable in terms of the visual amenity and character of area and its longevity in material is considered no worse than when timber boarding weathers over time. Whilst this relies somewhat on good maintenance, the risk of peeling paint would appear relatively low and one that officers consider should not hold determinative weight. In any event the proposed condition concerning the application of the overcoating also requires it is maintained for its lifetime. It is noted that the application of the overcoating would need to be applied by hand from above but this is considered to be feasible/achievable from the method statement provided.

It is acknowledged that the owner of the adjoining dwelling to the south of the proposed stie confirmed that no access would be agreed from the rear garden area to apply the overcoating to the brickwork (or any work to this proposed extension). Therefore, a method statement was requested from the agent to clarify how the overcoating could be completed to ensure the proposed development could be achieved.

The most troublesome section would be the south elevation adjacent to the shared boundary. The submitted method statement (MS) states that the area of brickwork from fascia level to just below top of fence line will be overcoated by brush and roller working overhand from above and would not require any access from adjoining property. The first panel from the rear wall of the host dwelling - where access is restricted to 120mm, a self loading roller on extended pole working from above could achieved the result – this is in accordance with advice from a professional decorator as stated in the MS.

The agent has further stated that *'At some point in the future, if access is allowed, the finish below fence line can be checked and any flaws in the coated rectified'*. However the area below the fence line would not be visible due to the existing boundary treatment so the impact of this is not considered to be an issue of public amenity.

Overall, taking into consideration of the details have been submitted, it is not considered that the proposed development would detract from the character of the surrounding area. The proposed development is therefore considered to accord with the aims of Policies DM5 and DM6 of the Allocations and Development Management DPD and Section 12 of the NPPF.

Impact upon Residential Amenity

Criterion 2 and 3 of Policy DM6 relates to neighbouring amenity for householder developments and states that new householder developments should not have an adverse impact on the amenities of neighbouring users including loss of privacy, light and overbearing impact and that the layout of development within the site and separation distances from neighbouring development is sufficient to ensure that neither suffers from an unacceptable reduction in amenity by virtue of overlooking, loss of light or overbearing impacts.

Paragraph 8.4 of the SPD states that rear extensions have the potential to give rise to significant impacts on the amenity of neighbouring properties through overbearing and overshadowing effects. The SPD advises that when considering the potential for overbearing and overshadowing, regard should be given to the positioning of the proposal in relation to the principal windows of habitable rooms in neighbouring properties as well as the level of separation from neighbouring properties.

Furthermore, the NPPF seeks to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 130 of the NPPF requires that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties.

To the rear of the proposed site, a local surgery shares the common boundary. This section of the proposed site is on a higher ground level than the dwelling but it is not considered the proposed new structure would have detrimentally impact to this western property.

The existing boundary treatment between the proposed site and the adjoining dwelling to the south (no.4) is close boarded fencing at approximately 1.8 metres in height at the rear

garden area, ascending in accordance with the slope as the ground level changes. The proposed structure consists of a red brick wall on its south elevation positioned adjacent to the shared boundary. The revised scheme would see this structure have eaves and ridge height of 2.52m and 3.0m. It is acknowledged that the occupiers of the adjoining dwelling initially stated that the structure (before it was amended) would block out the evening sunshine into the rear garden area of the adjoining property and living room; and that *'a 3 metre height wall at 4.6 meters in length is very imposing, creating an overbearing presence'*.

It is acknowledged that the single storey rear addition should be designed to minimise impacts on the neighbour and occupier amenity. The proposed structure will be west facing, positioned north of the shared boundary to the adjoining dwelling. The occupiers of the adjoining dwelling to the south is likely to have small amount of evening sunshine reduced to the rear garden area of the adjoining property and living room as a consequence of the development. Nevertheless, given the single storey nature and given what would be allowed within the permitted development regime in terms of height and depth, it is considered the proposal is of an acceptable scale to this semi-detached dwelling within this established residential area and one that would not cause such a detrimental impact to warrant a refusal.

It is accepted that the proposed structure would have an eaves height above the existing southern boundary fence; however, taking into account the siting and the orientation of the proposed development, along with the existing boundary treatment, while it is acknowledged that the top of rear French door on the adjoining property could potentially be overshadowed in the evening sun, the impact is not considered to be detrimental.

I am mindful that a similar extension constructed of materials to match the host dwelling of up to 3m in depth could be lawful under permitted development so long as the eaves were no higher than 3m and its overall height restricted to 4m or less. Taking into account that the ground level of the rear garden slopes away, the proposed extension would have less impact to the occupiers of the adjoining neighbouring dwelling beyond the first 3m. Taking the above into account and giving the fallback position significant weight, it is not considered the revised proposal be sufficiently harmful to warrant refusal of permission on residential amenity grounds.

Impact upon Highway Safety

Spatial Policy 7 seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 requires the provision of safe access to new development and appropriate parking provision. Criterion 1 listed in Policy DM6 states that householder development should include provision for safe and inclusive access and parking and should have no adverse impact on the highway network. Similar advice in Paragraph 110 of the NPPF states that schemes can be supported where they provide safe and suitable access for all.

The proposed development will not alter the existing parking arrangement, sufficient parking areas will remain to the front of the property and on the driveway in front of the garage, as such there are no highways safety issues.

Other matters

It is acknowledged that the letter of objection states the new structure with the proposed gutter arrangement would be overhanging above the shared fence; and the adjoining dwelling appears to suffer from some structure damage since the construction begun

(including the damp on internal wall), as well as de-valuing the property. These are not material planning consideration, and therefore have not been included in the assessment in this report. It is understood that the owner of the adjoining dwelling is aware of this situation and is seeking legal advice.

One of objections received relates to the retrospective nature of the application. However the planning system allows the submission of retrospective applications; while this is not ideal, retrospective applications will still be assessed against the relevant adopted policies. Furthermore, it is within the applicant's right to submit retrospective planning application. This cannot be a reason to refuse the application if the proposal complies with the adopted policies.

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

Having regards to the above, it is considered that the principle of householder additions in this location is acceptable, and that the design of the proposal is acceptable. The proposal meets the Council's standards on residential amenity in its SPD as it would not have a significant and demonstrable impact on the living conditions of the neighbouring occupiers to the site either as existing or in the future; and that the proposal would not have an unacceptable impact on highway safety or parking provision.

The proposal therefore complies with the requirements of paragraphs 126 and 130 of the NPPF and policies DM5 and DM6 of the ADMDPD as well as the Council's Householder Development SPD.

10.0 Recommendation

That planning permission is approved subject to the conditions and reasons shown below:

01

The approved shall be applied to the external walls of the extension as currently erected within 3-months of the date of this permission. Within 3 months of the extension being substantially completed the remainder of the extension shall be coated with the approved overcoating. This external overcoat shall be retained and maintained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the completed development in the interests of visual amenity.

02

The development hereby permitted shall be carried out only in accordance with the details and specifications included on the submitted application form and shown on the submitted drawings as listed below:

- Site location plan, received 18 April 2023
- Proposed Block plan, received 18 April 2023
- Existing rear and side elevations with ground floor plan received 18 April 2023
- Revised Proposed rear and side elevations with roof plan received 01 August 2023
- Revised south elevation, section and alternative positions for rainwater pipes received 01 August 2023
- Method statement received 01 August 2023

Reason: To ensure that the development takes the agreed form envisaged by the Local Planning Authority when determining the application.

Informative

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 than 100 square metres.

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 - 23/00668/HOUSE

