



Report to Planning Committee 9th November 2023  
 Business Manager Lead: Lisa Hughes – Planning Development  
 Lead Officer: Jared Pailing, Planner, Ex 5719

Report Summary			
<b>Application No.</b>	23/01160/HOUSE		
<b>Proposal</b>	Proposed first floor and ground floor rear extension and single storey side extension. Erection of canopy at principal elevation. Replacement roof covering and windows.		
<b>Location</b>	Field Side 86 Caythorpe Road Caythorpe NG14 7EB		
<b>Applicant</b>	Mr & Mrs P Groves	<b>Agent</b>	FLARE VISUAL LTD - Mr Steve Hanks
<b>Web Link</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage</a>		
<b>Registered</b>	10 July 2023	<b>Target Date</b>	4 September 2023
		<b>Extension of time</b>	23 November 2023
<b>Recommendation</b>	That planning permission be REFUSED for the reason set out in Section 10.0 of this report		

**This application is being referred to the Planning Committee for determination by the Local Ward Member, Councillor Roger Jackson, who considers the proposal is quite small compared with its neighbouring properties and sits in a large footprint of land and would not be an inappropriate build in the Green Belt. In addition, Caythorpe Parish Council Support the application, which is contrary to the Officer’s Recommendation to Refuse.**

### 1.0 The Site

The site is located on the south side of Caythorpe Road roughly halfway between Lowdham and Caythorpe village. The property is one of a pair of semi-detached dwellings with a two

storey gabled front projection and single storey lean-to rear extension, constructed of brick with a tiled roof and white pvcu windows. The property benefits from a large gravel driveway to the front of the property, and a rear garden that includes a detached garage set back behind the dwelling adjacent to the western boundary. The property is enclosed by a brick wall approx. 1m in height along the road frontage with a vehicular access adjacent to the western boundary. There is a maple tree in the rear garden adjacent to the eastern boundary.

The property sits within the Nottingham-Derby Green Belt and sits within Flood Zone 2 according to the Environment Agency Flood Maps meaning it has a medium probability of main river flooding.

The site therefore has the following constraints:

- Green Belt
- Flood Zone Two

## **2.0 Relevant Planning History**

22/00792/HOUSE - Proposed two storey rear extension, brick piers, brick wall and gates to front site boundary and infilling of existing porch – Permitted 20.06.2022. The proposal has been partly implemented with the construction of front boundary wall but no other elements of the approved scheme have been commenced to date.

16/01402/FUL - Householder Application for Single storey extension at the rear of the house to replace existing ground floor extension (utility room) and add additional living room. Small open porch by front door. – Permitted 26.10.2016, and has been fully implemented.

## **3.0 The Proposal**

The application seeks permission for the construction of a proposed first floor and ground floor rear extension and single storey side extension. The proposal also seeks approval for the complete removal of the front boundary wall and replacement of roof tiles and replacement windows with flush casement upvc on the whole property.

The first floor rear extension sits above the existing ground floor rear extension and is half the width of the rear elevation with a dual pitched gable roof and ridge which sits well below the ridge of the main dwelling with eaves level to match the host. The proposed extension would sit approx. 3.5m from the boundary with the adjoining neighbour.

The ground floor rear extension, sits beyond the existing ground floor element and proposed two storey element and its width extends the full width of the existing dwelling and beyond to link with the proposed side extension with a lean-to roof that extends and wraps around the side elevation.

Attached to the side elevation is a single storey 800mm wide extension with a dual pitched gable roof that links into the proposed wrap around lean-to roof. This is set back from the front elevation by 3.4m.

Details below:

### **First floor extension**

Height from ground to eaves – 4.46m

Height from ground to ridge – 6.7m

Depth of ridge – 5.587m

Depth of eaves – 3.38m

### **Single storey lean-to rear extension**

Height from ground to ridge – 4.4m

Height from ground to eaves – 2.4m

Rear width – 9m

### **Single storey side Extension**

Height ridge

Height of eaves

Width – 800mm

### **Front Canopy**

Height from ground to ridge -2.97m

Height from ground to eaves -1.94m

Width – 3.8m

Depth -1.1m

Although initially submitted with extensions being in an off-white render, this has now been amended to brick to match the existing house. The proposed plans state the whole property would be covered in a new slate, but no further details have been submitted.

Documents assessed in this appraisal:

- Existing and proposed floor plans, elevations, site plan and site location plan (Drawing No: F3137-A1-01B) – Submitted 30 October 2023
- Householder Flood risk form – Submitted 31 October 2023

## **4.0 Departure/Public Advertisement Procedure**

Occupiers of four properties have been individually notified by letter.

Site visit undertaken on 11 September 2023.

## **5.0 Planning Policy Framework**

### **The Development Plan**

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

Spatial Policy 4B– Green Belt Development

Core Policy 9 - Sustainable Design

Core Policy 10 – Climate Change

Core Policy 12 - Biodiversity and Green Infrastructure

## **Allocations & Development Management DPD**

DM5 – Design

DM6 – Householder Development

DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

National Planning Policy Framework 2023

Planning Practice Guidance (online resource)

National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019

Householder Development SPD 2014

Residential Cycle and Car Parking Standards & Design Guide SPD June 2021

### **6.0 Consultations and Representations**

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

#### **(a) Statutory Consultations**

N/A

#### **(b) Town/Parish Council**

**Caythorpe Parish Council** - Support the application.

#### **(c) Representations/Non-Statutory Consultation**

**No third party/local resident comments received.**

### **7.0 Comments of the Business Manager – Planning Development**

The key issues are:

1. Principle of development
2. Impact on the Green Belt
3. Impact on the Visual Amenities of the Area
4. Impact on Residential Amenity
5. Impact on Trees
6. Impact on Flood Risk

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.

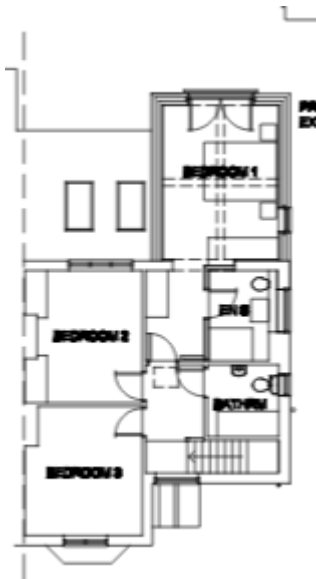
### Principle of Development

Subject to an assessment against a number of criteria, Policy DM6 accepts development providing there is no impact on the amenities of neighbouring uses including loss of privacy, light and overbearing impact. This policy goes on to state that the proposal should respect the character of the surrounding area including its local distinctiveness, the significance and setting of any heritage assets, landscape character openness.

The previous permission granted under 22/00792/HOUSE has been partially implemented through the construction of the front boundary wall, however, no other part of the works approved (rear extensions) have been commenced to date although this permission clearly remains extant and capable of being implemented as a fall-back position.

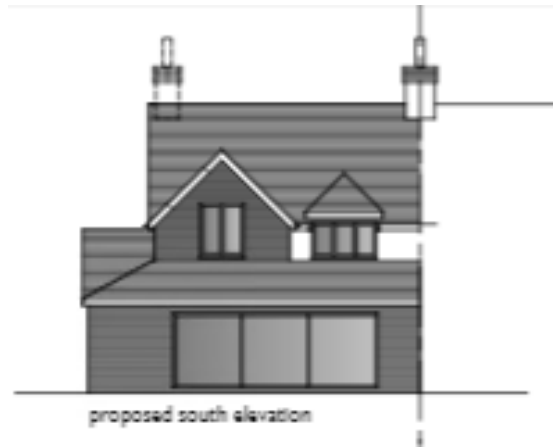
It is clear from the elevations of both schemes shown below, that it would not be possible to construct both proposals.

Extant Permission:



Proposed Application:





The site is located within the Green Belt where new development is strictly controlled through Spatial Policy 4B of the Core Strategy. This policy defers to the National Planning Policy Framework in terms of assessing most development in the Green Belt.

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 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 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.'

Paragraph 149 states that the construction of new buildings is inappropriate in the Green Belt. It then gives exceptions to this with exception (c) allowing 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.'

It is under this policy stipulation that the application has been assessed.

Under current adopted development plan policy there is no definitive percentage of floor space/footprint/volume increase considered to be 'proportionate' development within the Green Belt and as such, it is one of judgement for the Local Planning Authority. Generally, and as a rule of thumb where other local planning authorities have set thresholds within development plan policies these typically range between 30 to 50% (volume and/or floorspace increase) in determining whether householder extensions are disproportionate to the original dwelling.

The following table shows the proposed percentage increase to assist that judgement and includes an extension (single story lean-to extension) built as part of a previous permission approved under reference 16/01402/FUL, which has been implemented.

	<b>Original Dwelling</b> (not including the single storey rear extension which did not form part of the original dwellinghouse)	<b>Extended Dwelling</b> (including the single storey rear extension)	<b>% Increase</b>	<b>Proposed Extended Dwelling</b>	<b>% Increase (from Original Dwelling)</b>
<b>Footprint m<sup>2</sup></b>	58.9	78.2 (58.9 + 19.3)	32.7%	105.2 (78.2 + 27)	<b>78.6%</b>
<b>Floorspace m<sup>2</sup></b>	107	126.3 (107 + 19.3)	18%	157.07 (126.3 + 9.77(FG) + 21(GF))	<b>46.7%</b>
<b>Volume m<sup>3</sup></b>	341.3	385.3 (341.3 + 44)	12.8%	476.25 (385.3 + 22.05 + 68.9)	<b>39.5%</b>

It can be seen from the above table that the original dwelling has already been enlarged with an approved single storey extension which represents a 32.7% (footprint), 18% (floorspace) and 25% (volume) increase. This proposal would increase the size of the dwelling from the original by 78.6% footprint, 46.7% floorspace and 39.5% volume. The proposed footprint of the development is therefore above the generally accepted and long-established guidance that anything above 30-50% increase would represent a disproportionate addition, although not set out in policy.

Therefore, for this reason, the proposal would constitute inappropriate development within the Green Belt unless very special circumstances exist to outweigh this harm. No such circumstances have been advanced or are considered to exist in this case.

The proposal is therefore contrary to Spatial Policy 4B of the Amended Core Strategy and paragraphs 147-149 of the National Planning Policy Guidance. The effect on openness is considered in the visual amenities section below.

#### Impact on the Visual Amenities of the Area

Policy DM6 section 6 of the adopted allocations & Development Management DPD states planning permission will be granted if it meets criteria including "The proposal respects the character of the surrounding area including its local distinctiveness, the significance and setting of any heritage assets, landscape, character and the open character of the surrounding countryside."



Policy DM6 section 5 also requires that 'The proposal respects the design, materials and detailing of the host dwelling'.

The NPPF states that good design is a key aspect of sustainable development and that decisions should ensure that developments are visually attractive. It also states that openness is an essential characteristic of Green Belt policy. Openness has a spatial as well as visual dimension. The property is clearly visible from the surrounding public realm and openness of the Green Belt is evident in the wider area.

The proposed additions although subservient to the dwelling in terms of their height, in accordance with the householder SPD, the two storey construction and single storey wrap around would increase the bulk and prominence. It would spatially and visually increase the form, volume and massing of the existing building and in doing so result in a harmful loss of openness. This weighs negatively against the scheme in the planning balance.

Officers are aware that the adjoining property of the semi-detached pair already benefits from a similar design of two-storey rear extension with single storey infill and as such it is not the principle of such a form of extension that is unacceptable but the proposed size and scale. It is also drawn to Members' attention that planning permission was granted in 2021 (see extracts above), which remains extant, for a similar two storey rear extension, as it was not a disproportionate addition because neither the footprint, floorspace or volume exceeded a 50% increase over and above the original dwelling. This represents a realistic fallback position and would allow the applicants to extend in a similar manner to the adjoining neighbour, creating a reasonably sized addition.

It is the additional single storey rear and side wrap around addition that takes the footprint above the limits of the guidelines. Officers have sought to negotiate with the applicants and suggested that if the single storey element was removed or significantly reduced, then the proposal would receive officer support. However, the applicants were not willing to reduce the scheme and have requested the application be determined as it stands.

The existing single storey rear lean-to element adjacent to the neighbour's boundary would be altered to a flat roof served by a rooflight.

Officers have successfully negotiated a change to the originally proposed off white render finish to the extensions which is now proposed to be in brick to match the existing house. This will assist in reducing the visual prominence of the additions in the streetscene.

The proposal also includes the removal of the existing porch and brick enclosure on the front elevation and installation of a wider tiled canopy extending across to the side elevation. This element is considered acceptable and would not be harmful to the character and appearance of the principal elevation of the property.

The proposal seeks to replace all the concrete roof tiles on the property with a new roof covering. The specific material details have not been included within the submission but, in the event of an approval being granted this is a matter that could be controlled by condition, along with a condition requiring walls to be brick to match the existing dwelling. The proposal

to replace the existing UPVC white windows with a coloured flush casement pvc is also acceptable subject to a condition requiring confirmation of the colour.

The removal of the wall is considered a concern due to opening up the property and driveway visually which is unlikely to have been the original design of the property. However, measuring 1m in height the wall can be removed under permitted development and therefore the Local Planning Authority can unfortunately have no control over whether it is retained.

Overall, the scale and massing of the proposed additions would have a harmful impact on the openness of the Green Belt. However, with the additions being constructed in matching brickwork and conditions to control roof materials and window colours, it is considered that the proposal would not result in a harm to the character and appearance of the property or surrounding area. The proposal therefore fails to comply with Spatial Policy 4B of the Amended Spatial Strategy and the guidance contained within the NPPF but is considered to accord with CP9 and Policies DM5 and DM6 of the Development Plan in this regard.

### Impact upon Residential Amenity

The NPPF seeks to ensure a high standard of amenity for all existing and future occupants of land and buildings. Policy DM6 of the Allocations & Development DPD states that development is permitted if “there is no adverse impact on the amenities of neighbouring users including loss of privacy, light and overbearing impact.” This is also reflected in Policy DM5.

The Householder SPD states that additions to dwellings should be designed to ensure that good standards of amenity for neighbouring occupants both present and future. The Householder SPD goes on to state that development proposals for dwellings in close proximity to one another should be carefully designed so as to avoid unacceptable overbearing impacts and loss of privacy.

The western neighbour sits 3m away from the application dwelling itself and 1.04m from the boundary fence separating the two properties. The new side elevation is proposed to have a small, circular window installed to serve a bathroom and as such the window is likely to be obscurely glazed. The window would look in the direction of the western neighbour but would look towards their front driveway which is already visible to the public realm thereby not causing any loss of privacy.

The eastern neighbour is the adjoining semi-detached property. The proposed extension would replace the existing extension to the rear and be situated to the boundary between the two properties. Due to the presence of the existing extension, it is not considered the new addition (single storey lean-to beyond the depth of the existing extension on the application site but extended to the same depth as the neighbour’s existing single storey extension adjacent to the common boundary) would have any significant detrimental effect on the amenity of the neighbour. The first-floor extension would match the depth of the neighbouring property’s first floor extension and would be positioned 3.5m away from the common boundary. It would result in a ‘tunnelling’ effect to the existing first floor windows in the original rear elevations of both properties, the impact is not so detrimental in terms of over-bearing impact, loss of light and over-shadowing late in the day to warrant refusal of

permission on these grounds.

The proposal would still allow an ample sized private amenity space to serve existing and future occupiers, although it would render the existing garage unusable for vehicles.

Overall, it is not considered that the proposal would result in any harmful overbearing impact, loss of light or loss of privacy by virtue of its size and design and it is therefore considered to comply with Policies DM5 and DM6 in this regard.

#### Impact upon Highway Safety

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

Table 2 of the Residential Cycle and Car Parking Standards & Design Guide SPD (2021) sets out the recommended minimum car parking standards depending on the number of bedrooms. For 3 or 4+ bedroom properties, the recommended parking provision is 3 parking spaces in this location. The proposal will not result in any increase in the number of bedrooms at the property which would remain at 3.

The existing forecourt of the property is already completely hard surfaced and there is sufficient space to park three cars on it, to accord with the SPD requirements. The existing brick wall along the road frontage was implemented as part of the previously approved permission under 22/00792/HOUSE. The proposed removal would open up the frontage of the whole site to the road, although as already stated, this is out of the control of the Local Planning Authority. There are no other highway safety matters to be considered by the proposal.

#### Impact on Flood Risk

The site is located within Flood Zone 2 as defined by the Environment Agency flood maps, which means it is at medium risk of main river flooding. The proposed development is considered to be 'minor development' in accordance with the NPPF (that is, householder development for extensions to dwellings, garages, shed etc within the curtilage of the existing dwelling. As such Flood Risk Standing Advice applies. Paragraph 164 of the NPPF advises that applications for minor development should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessment.

The applicant has submitted the standard Householder Flood Risk Assessment form which confirms that floor levels within the proposed extension would be set no lower than existing levels and that flood proofing of the proposed development would be incorporated where appropriate, which is considered to be proportionate to this type of development, including utilising flood resilient construction techniques. This would adequately protect occupiers of the host dwelling from flood risk and could be conditioned if permission were to be granted. It is not considered in this case that the cumulative impact of the development would result in any increased risk to future site users given the extension is proposed on existing hard surfacing and there would remain ample land within the wider site for surface water to

permeate.

On this basis, it is considered that the proposal would be acceptable in relation to flood risk in accordance with Policy DM5, Core Policies 9 and 10 and the aims of the NPPF in this regard.

### Impact on Trees

Core Policy 12 of the Amended Core Strategy DPD seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the ADMDPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

Section 7.20 of the Householder Development SPD states that 'existing natural features and those introduced through new development can significantly contribute to the local distinctiveness of an area. Therefore, the incorporation of a considered landscaping scheme which allows for the retention, protection and enhancement of important natural features should be a central part of the design process for any development and will assist proposals to satisfy policies within the development plan.'

A small Maple tree is situated to the rear of the house and a hedgerow separates the property from its adjoining neighbour. The applicant has confirmed that the tree is intended to be retained. Although no Arboricultural Impact Assessment has been submitted, the property already has an existing rear extension with existing foundations and hardsurfacing and therefore it is considered the works would unlikely result in any further detrimental impact on the tree and hedgerow and would accord with Development Plan policies in this regard.

## **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 original 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.

Matters of general character and appearance, residential amenity, highway safety, flood risk and trees are considered to be acceptable and neutral in the planning balance.

However, the proposal fails to comply with Spatial Policy 4B of the Newark and Sherwood Amended Core Strategy and the guidance within the National Planning Policy Framework, and would cause harm the Green Belt, which in accordance with policy should be given substantial weight in the planning balance. Accordingly, it is recommended that planning permission be refused.

## **10.0 Reason for Refusal**

01

The site is located within the Nottingham-Derby Green Belt where new development is strictly controlled through the National Planning Policy Framework (NPPF) and Spatial Policy 4B (Green Belt Development) of the Newark and Sherwood Amended Core Strategy (2019). SP4B defers to the NPPF in terms of assessing most development in the Green Belt.

In the opinion of the Local Planning Authority the proposal, by reason of its disproportionate addition over and above the size of the original dwelling, would constitute inappropriate development in the Green Belt, which is by definition harmful. The scale and massing of 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.

The proposal is thereby contrary to Spatial Policy 4B (Green Belt Development) of the Newark and Sherwood Amended Core Strategy (2019) and paragraphs 147-149 of the National Planning Policy Framework (2023) which is a material planning consideration.

### Informatives

01

Plans refused:

Existing and proposed floor plans, elevations, site plan and site location plan inc (F3137-A1-01B)

02

The application is 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/](http://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 - 23/01160/HOUSE

