



Report to Planning Committee 23 November 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Yeung Browne, Planner, Ex 5893

Report Summary			
Application Number	23/01213/HOUSE		
Proposal	Front and side elevation rebuild with render finish and new porch extension (part retrospective)		
Location	97 South Avenue, Rainworth NG21 0JH		
Applicant	Mr Mayer	Agent	DK Plans Architectural Services - Mr Dawid Kornata
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RXQG0ZLBJIX00		
Registered	17.07.2023	Agreed Extension of time	28.11.2023
Recommendation	That planning permission is refused as detailed at Section 10.0.		

The local Ward Member, Councillor Penny has requested this application is presented to Planning Committee with the following reason:

1. Whilst there is only 1 porch on the cul-de-sac itself, there are many on the street, less than 10 houses away there are 4 and in the surrounding vicinity there are many more, precedent [sic] has already been set in that community. All of the porches are different, there is no conformity in their appearance.
2. The proposed larger porch and rendering will add value to the house and an aspirational look of to the area, which could enhance the value of both the property and others surrounding it. Fig 4 is an example of where property is enhanced by a porch.
3. Whilst I take on board this is an old pit village, it has not been protected or looked after as a heritage site in terms of development over the past 60 or more years and that as such, where property owners want to enhance the standard of the area, this should be welcomed.

Photos of nearby properties with porch have also been provided by Councillor Claire Penny.

This application was not presented before the meeting was adjourned on the 9th November 2023.

1.0 The Site

The site is located within the defined village envelope of Rainworth, which is identified as a Service Centre by Spatial Policy 1 of the adopted Core Strategy. The site is identified on the HER as part of entry M17549, Rainworth Colliery Village which is considered to be a non-designated heritage asset. The application dwelling is a typical building within the colliery village and contributes to the general character.

The site consists of a traditional colliery village built two-storey, semi-detached dwelling and associated curtilage. The property is located on the southern side of South Avenue which has a driveway to the side of the dwelling and garden areas to the front and rear. The land levels drop from the junction of Python Hill Road and South Avenue to the end of this cul-de-sac.

It is understood that the dwelling was damaged from a car accident in August 2022. The structural repair/rebuilding to the dwelling has since been carried out. During the structural repair works, the porch was added to the front (northeast) elevation and rendering was applied without the necessary planning permission.

The boundary treatment consists of timber fence panels standing at c.1.2m in height between the adjacent dwelling to the southeast along the front garden area, the boundary fronting South Avenue remains open with the construction appearing to be uncompleted.

2.0 Relevant Planning History

None.

3.0 The Proposal

The development seeks part retrospective planning permission for rebuilding part of the dwelling, a porch extension on the front (northeast) elevation to the dwelling and rendering to the entire semi-detached property.

The porch projects 1.468m and is 2.656m in width. This structure is completed with gable end roof standing at eaves and ridge height of 2.3m and 3.6m respectively. The rendering is off white/cream colour, covering the entire dwelling and the proposed porch. The roofing material on the porch matches the existing dwelling.

The following documents have been submitted with the application:

- Site location plan, ref: DK193_LP received 13 July 2023
- Existing and proposed block plans ref: DK193_300 received 13 July 2023
- Existing elevations and floor plans ref: DK193_100 received 13 July 2023
- Proposed elevations and floor plans ref: DK193_301 received 13 July 2023
- Heritage impact assessment received 13 July 2023

4.0 Departure/Public Advertisement Procedure

Occupiers of six properties have been individually notified by letter on this application.

Site visit undertaken on 24 August 2023.

5.0 Planning Policy Framework

The Development Plan

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

- Spatial Policy 7 – Sustainable Transport
- Core Policy 9 -Sustainable Design
- Core Policy 14 – Historic Environment

Allocations & Development Management DPD (adopted July 2013)

- DM5 – Design
- DM6 – Householder Development
- DM9 - Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2023
- 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) Town/Parish Council

Rainworth Parish Council – supports the application.

(c) Representations/Non-Statutory Consultation

NSDC conservation team – the proposal is harmful to the non-designated heritage asset and a balanced judgement is therefore required. The proposed porch introduces an architectural detail and the render a new material which was not part of the original design of the colliery village, being brick built with two different roof tiles.

No representations have been received from local residents/interested parties.

7.0 Comments of the Business Manager – Planning Development

The key considerations in this case relate to:

1. Principle of Development
2. Impact on Visual Amenity and Character of the Non-designated Heritage Asset
3. Impact upon Residential Amenity
4. Impact upon Highway Safety

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 Development Plan Document (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 Supplementary Planning Document (SPD). Policy DM5, underpinned by Core Policy 9 (Sustainable Design), 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 the Non-designated Heritage Asset

Core Policy 9 and Policy DM5 both seek 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 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.

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.

Core Policy 14 'Historic Environment' of the Core Strategy requires the continued conservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment, in line with their identified significance. In accordance with Core Policy 14, particular attention should be paid to reflecting locally distinctive styles of development and these should respect traditional methods and natural materials wherever possible (Policy DM9 'Protecting and Enhancing the Historic Environment').

Until the sinking of Rufford Colliery, the hamlet of Rainworth barely consisted of a few farmsteads, cottages and an inn. The land for the colliery was leased from Lord Savile of Rufford Abbey, from which the colliery took its name. Following the sinking of shafts 1 and 2 in 1911-1913, coal was reached in October 1913, at a depth of 554 yards. After the sinking of the pit, Rainworth changed rapidly, and new housing was planned along Kirklington Road. In 1914, the village had its first school built (Heathlands) and another followed in 1924 (Python

Hill School). The model village continued to grow throughout the early 20th century and included a picture house.

The application lies within the Rainworth Colliery Village, identified on Nottinghamshire HER (M17549) as a non-designated heritage asset. The houses and planning were similar to other colliery developments in the area, including Forest Town, Mansfield. Rainworth colliery village, like others, had uniform house types which were brick built; albeit with two different roof tiles and brick air vents. Due to new national housing guidelines, the dwellings in Rainworth were more spaciouly planned than earlier colliery villages. The application dwelling is a typical building within the colliery village and contributes to the general character.

This part retrospective application relates to rebuilding part of the dwelling, construction of a front porch and rendering to the whole property. The new porch introduces an architectural detail that was not part of the original house design, and the render to the entire semi-detached dwelling introduces a new material which was not used within the colliery village.

The NPPF reminds us that, 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

The Conservation Officer has provided comments on the history and character of the Rainworth colliery village (set out above), stating that it is important to consider the impact on the significance of the non-designated heritage asset from the proposal. Their comments conclude that the proposal is harmful to the non-designated heritage asset (Rainworth Colliery Village).

In this case, the village has primarily architectural interest, derived from its distinctive plan form and what this tells us about the social history of the time. As such, there is also a good degree of historic interest as well. 'Association' refers to groupings of assets with a clear visual design and historic relationship and this is the key element of significance for the colliery village.

It is not anticipated the rebuilding/repairing of the dwelling on its own would have had any negative impact to the visual amenity or harm to the character of the non-designated heritage asset (Rainworth Colliery Village).

While there have been some elements of loss and alteration from building to building, the 'integrity' of the planned colliery village as a whole is still strong, derived from the special overall layout, the range of buildings as well as the consistency of houses within their plots.

The NSDC Householder SPD states that a proposed addition to the front elevation of a dwelling should be assessed as to whether it would introduce a dominant feature, by virtue of its design, proportions and/or detailing, which would be harmful to the appearance of the host dwelling or the character of the surrounding area. The proposed porch is sited to the front of the dwelling, on the primary (northeast) elevation of the property fronting onto South Avenue where no other porch like structure is located within this section/cul-de-sac of South Avenue.

It is recognised that incremental changes in the area have had some impact on character and appearance, and some forms of porches already exist on dwellings along other parts of South Avenue. However, they are smaller in scale and would likely have benefited from permitted development rights. The Council also recognises that whilst there have been some elements of loss and alteration from building to building, the 'integrity' of the planned colliery village as a whole is still strong, derived from the special overall layout, the range of buildings as well as the consistency of houses within their plots (including materials and extensions), especially within this section of South Avenue.

The porch like front extension is considerable in scale in relation to this semi-detached dwelling, notably incongruous and harms the special plan form of the houses within the colliery village. The entire front elevation of the dwelling is approximately 7.6m in width; the proposed structure is positioned slightly off centre, between the two ground floor windows, spanning approximately 2.66m, leaving approximately 2.3m to the southeast side and approximately 2.7m to the shared boundary to the northwest. The structure is positioned close to the existing ground floor windows, also appearing somewhat incongruous. The structure is viewed as squeezed between the two existing ground floor windows.

It is considered that the proposed porch is highly visible, results in an incongruous and unattractive massing along the frontage, is extremely prominent with an awkward appearance from its design and location.



Furthermore, the use of rendering in off white/cream colour for the entire dwelling is also considered to be alien to the local distinctiveness of the area which is characterised by red bricks. The rendering itself exacerbates the visual prominence of this property not only within the cul-de-sac, but also the wider streetscene. It is considered that the colour and scale of the render is inappropriate and results in a dominance over the other dwellings within the locality which detrimentally impacts the overall design and character of the non-designated heritage asset (Rainworth Colliery Village).

Having identified this building as being part of a NDHA and that the proposal causes harm, the application should be determined in accordance with Paragraph 203 of the NPPF. This states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Following the publication of the last report, the applicant's agent provided clarity regarding the construction advising the rebuilding has been undertaken in blockwork, as opposed to bricks, hence the addition of the render. In addition, details of other properties with either render and/or porches to the front were provided, citing these are unique in design and lack uniformity in their appearance. Having reviewed the examples only the garage at 102 South Avenue was given permission for render, due to matching the garage at the adjoining property (the garage at 102 is set back). All other properties referenced do not have any associated planning record. Information would appear to indicate that the developments might be either permitted development or undertaken prior to the village being registered as a NDHA. They are therefore not considered material to the consideration of this application and even if they were material, it is not considered appropriate to allow development that is out of character due to others being of a similar nature.

Individually, set against the village as a whole, it is accepted that the harm from this application alone may be limited, albeit it tangible harm nonetheless. However, while every application must be assessed on its merits, if this application was approved other similar additions would potentially come forwards. Incrementally this kind of addition would radically alter the legible plan form and appearance of the housing stock, causing further harm to the significance of the colliery village.

The proposal is therefore considered contrary to Core Policies 9 and 14 in the Amended Core Strategy (Adopted March 2019) and Policies DM5 (Design), DM6 (Householder Development) and DM9 (Protecting and Enhancing the Historic Environment) of the adopted Newark & Sherwood Allocations & Development Management DPD. The proposal would also be contrary to the advice contained in the National Planning Policy Framework.

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.

The adjacent property no.99 is to the south and the relationship with this property would be largely unaltered. The front door is positioned facing South Avenue, no other opening is proposed on either of the side elevations. Taking in consideration the scale of the porch and the distance to the shared boundary, it is not considered the porch would cause any overlooking or loss of privacy to this adjacent dwelling.

To the other boundary, with no.95, South Avenue to the north, due to the distance to this shared boundary (notwithstanding it is the other half of the semi, it is not considered the

extension would cause any overshadowing or other amenity impacts to this adjoining dwelling.

With the above in mind, it is not considered that the proposal will have an unacceptable impact on the amenity of nearby neighbouring occupiers in terms of massing / overshadowing or overlooking, and that the proposal complies with Policy DM6 and DM5 of the DPD.

Impact upon Highway Safety

Spatial Policy 7 (Sustainable Transport) 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 is provided in Paragraph 110 of the NPPF which 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 area will remain to the side of the property and on the driveway in front of the dwelling, as such there are no highways safety issues.

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, it is considered that the front extension is unacceptable due to the combination of its position, size, form and design resulting in a dominating feature and obtrusive addition to the dwelling which is harmful both to the host dwelling and the wider streetscene. Furthermore, the use of render to the whole house further highlights the prominence of this semi-detached dwelling, significantly changes the character of the host dwelling when viewed from the public domain; therefore failing to integrate successfully.

The NPPF requires a balanced judgement to be made when considering harm to non-designated heritage assets. The proposal is considered to be harmful to the non-designated heritage asset (Rainworth Colliery Village), which is not outweighed any public benefit.

The proposal is therefore considered contrary to Core Policies 9 and 14 in the Amended Core Strategy (Adopted March 2019) and Policies DM5 (Design), DM6 (Householder Development) and DM9 (Protecting and Enhancing the Historic Environment) of the adopted Newark & Sherwood Allocations & Development Management DPD. The proposal would also be contrary to the advice contained in the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990 which are material planning considerations.

10.0 Recommendation

That planning permission is refused for the reason shown below:

01

In the opinion of the Local Planning Authority, by reason of its position, size, form, design and use of materials, the porch/front extension results in an incongruous and obtrusive addition, unsympathetic to the other dwellings within the locality. The use of render to the whole house further exacerbates the prominence of this semi-detached dwelling, significantly changing the character of the host dwelling when viewed from the public domain; therefore failing to integrate successfully. This represents poor and an incongruous design, out of keeping with the character and layout of surrounding development and harmful to the visual amenities of the streetscene as well as the non-designated heritage asset (Rainworth Colliery Village).

The proposal is therefore considered contrary to Core Policies 9 and 14 in the Amended Core Strategy (Adopted March 2019) and Policies DM5 (Design), DM6 (Householder Development) and DM9 (Protecting and Enhancing the Historic Environment) of the adopted Newark & Sherwood Allocations & Development Management DPD. The proposal would also be contrary to the advice contained in the National Planning Policy Framework which are material planning considerations.

Informative

01

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.

02

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/

03

REFUSED DRAWING NUMBERS:

- Site location plan, ref: DK193_LP received 13 July 2023
- Existing and proposed block plans ref: DK193_300 received 13 July 2023
- Proposed elevations and floor plans ref: DK193_301 received 13 July 2023

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 - 23/01213/HOUSE

