

PLANNING COMMITTEE – 4 SEPTEMBER 2018

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| Application No: | 18/00139/FUL | |
| Proposal: | Proposed erection of a detached two storey dwelling with a detached garage | |
| Location: | 11 Friend Lane, Edwinstowe, Nottinghamshire | |
| Applicant: | Mrs Jean Donson | |
| Registered: | 25.01.2018 | Target Date: 22.03.2018 |

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as the officer recommendation for the application differs from that of the Parish Council.

The Site

The application site relates to a proportion of the existing residential curtilage associated to 11 Friend Lane, a detached single storey bungalow located on the south side of Friend Lane and within the defined built-up area of Edwinstowe.

The application site is level in nature and consists of a predominantly manicured lawn with ornamental trees and shrubs. A detached double garage sits adjacent to the west elevation of the existing dwelling with hard surfaced parking and turning area at the front of the site. A brick wall approx. 1.4m high and pair of black painted metal entrance gates is located at the front of the site, together with a mature hedgerow approx. 1.5m high.

Friend Lane contains dwellings that range in design, scale and appearance although the majority of dwellings are either detached or semi-detached and set within fairly large plots. To the east of the application site are a row of two-storey terrace dwellings (1, 7 and 9 Friend Lane) situated at the back edge of the footway and to the west of the site is 13 Friend Lane, a detached bungalow set back from the highway all with frontages onto Friend Lane. To the rear of the site is a narrow private road with the railway line beyond. Friend Lane is a private road that is not formally adopted by the Highway Authority.

Relevant Planning History

No relevant planning history.

The Proposal

The proposal seeks full planning permission for the erection of a single independent detached 2 bedroom dwelling and a detached single garage at the site which would utilise the existing vehicular access at the site. The proposed access drive measures 3.5m wide, with a 4.5m entrance width, by 31m in length. The deposited plan states a new access is to be created for the existing dwelling, although exact details of how this would be formed have not been submitted.

The proposed dwelling would face in an easterly direction and have a dormer bungalow design with a single front (east) facing dormer window and 2 No. rooflights on the rear facing roof pitch. The proposed dwelling would measure 12.5m in depth and span 9m in width. The roof design would be dual-pitched with a maximum ridge height of 6.7m and 2.9m to eaves level. The accommodation would comprise an entrance, hall, lounge, living/kitchen, bathroom and bedroom on ground floor and a bedroom and bathroom at first floor level. The bungalow is positioned 6m away from the boundary with 13 Friend Lane to the west and would be served by a c64sqm rear garden area.

The proposed garage would be located in the south-eastern corner of the site and sit at the end of the access drive facing towards Friend Lane. It has a double pitch roof and would measure 5m in depth, 3.6m in width and 3.9m in height to the ridge and 2.4m to the eaves. It is positioned in close proximity to the rear boundary as well as the shared boundary with 9 Friend Lane to the east.

Public Advertisement Procedure

Occupiers of nine properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Spatial Policy 6 – Infrastructure for Growth
Spatial Policy 7 – Sustainable Transport
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 – Sustainable Design
Core Policy 10 – Climate Change

Allocations & Development Management DPD

DM5 – Design
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2018
- National Planning Practice Guidance suite, on-line resource
- Publication Amended Core Strategy 2017

Consultations

Edwinstowe Parish Council – Support the proposal.

NCC Highways Authority – ‘Friend Lane is not public adopted highway, therefore the Highway Authority has no objections to this proposal.’

Representations have been received from 5 local residents which can be summarised as follows:

- Concerns raised over proximity of the proposed dwelling to shared boundary and the potential overshadowing and overlooking impacts.
- Concerns over the proposed dwelling becoming larger at a later date.
- Wishes any damage to the Friend Lane during construction to be repaired.

Comments of the Business Manager

The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply which has been confirmed by a number of recent appeal decisions including the dismissal of the Farnsfield appeal (at Public Inquiry) by the Secretary of State in April 2018. I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes of decision making and thus carry significant weight in an overall planning balance.

Principle of Development

The site is located within the main built up area of Edwinstowe which is defined as a Principal village within the Settlement Hierarchy set out by Spatial Policy 1 of the Core Strategy and where the provision of housing is sought to secure a sustainable community. As such, there is no objection to the principle of the development at the site.

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise. This is reflected within the Development Plan under Policy DM12 of the Allocations and Development Management DPD.

It is relevant to acknowledge that at the present time, the LPA is well advanced in the process of a plan review following the Independent Examination which took place on 1 and 2 February 2018. However, the policy framework for the assessment of a proposal such as this is not proposed to alter under the current Review and the support for additional housing in Edwinstowe in principle is still supported. Whilst the NPPF identifies that there is a presumption in favour of sustainable development, this does not automatically equate to the development being granted as other material considerations need to be taken into account.

Impact on Character and Appearance of the Area

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

Core Policy 3 states that the Council will seek to secure an appropriate mix of housing types to reflect local housing need including smaller houses of 2 bedrooms or less and housing for the elderly and disabled population.

Core Policy 9 requires proposals to demonstrate a high standard of sustainable design and that proposals should be of an appropriate form and scale to their context complementing the existing

built and landscape environments. This policy also provides that applications 'demonstrate an effective and efficient use of land that, where appropriate, promotes the re-use of previously developed land and that optimises site potential at a level suitable to local character.

Policy DM5 states that proposals creating backland development will only be approved where they would be in keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area. This is consistent with Paragraph 53 of the NPPF which states that 'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'.

In terms of Local Distinctiveness Policy DM5 (4) requires the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

Whilst the provision of a small 2-bed dwelling would be in line with the requirements of Core Policy 3, the site comprises a backland development to the rear of 11 Friend Lane with the land proposed for development measuring approximately 0.05 hectares.

Once beyond the three terraced two-storey properties, the existing development along Friend Lane is loose knit and informal in terms of its layout with good sized plots and fairly low boundary treatments giving an open feel along this part of this narrow lane. Dwellings are both two-storey and bungalows, however, I am mindful that there are no other examples of back land or tandem development along the lane and as such, I am of the opinion that the proposed development would not follow the grain of development and distinctiveness within the locality and would have a negative impact on the character of the area.

Both the size and position of the proposed new plot does not reflect that of the surrounding area. Furthermore, I am of the opinion that there would be a number of other opportunities along Friend Lane whereby plots could be developed in a similar manner and this principle could all too readily be repeated which both individually and cumulatively would have a material harmful impact on the character and appearance of the wider locality and set a precedent for such type of development. Whilst the proposed development would be to the rear of 11 Friend Lane and set back from the highway, due to the nature of the site which is level and open, as well as the modest height of No. 11 Friend Lane, I am of the opinion that elements of both the proposed dwelling and garage would be visible from Friend Lane and be clearly read as a separate development plot, which is not associated to 11 Friend Lane, to the detriment of the visual amenities of the site and character of the wider street scene. I am also conscious that the ridge and scale/massing of the proposed dwelling would be greater than the existing dwelling which would also contribute to the intrusive and inappropriate nature of the development when viewed from the lane. Rather than appear as a subservient outbuilding, it would be more dominating and in my view harmful. The creation of the new driveway would result in the loss of small ornamental trees and although no details have been submitted, the creation of a new access to serve the existing dwelling may result in hedgerow loss.

It is therefore considered that the proposal represents inappropriate backland development that would not be in keeping with the general character and grain of development within the immediate locality and as such is contrary to Policy DM5 which seeks to resist undesirable development in backland sites. In addition it is contrary to the aims of the NPPF, in particular

Section 12 paragraphs which advises that permission should be refused for development of poor design and fails to take the opportunities for improving the character and quality of an area and the way it functions.

Impact on Neighbours

Impact on amenity is a long standing material consideration of the planning process and relates both to the impact on existing development as well as the amenity created for the proposed occupiers.

Policy DM5 of the DPD provides that the 'layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy'. In addition a core planning principle of the NPPF is to 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.

In considering the relationship with the existing dwelling at the site, I am mindful that there would be a separation distance of 5.6m between the side elevation of the proposed dwelling and the closest elevation of no. 11 Friend Lane which contains a single window serving a bedroom to its rear elevation facing the site. There is also a greenhouse set against this window. While I am mindful that the proposed development would present a gable towards this existing bedroom window, in also bearing in mind that this bedroom is served by another window on the side elevation facing onto the main side garden areas, it is considered, on balance, that the proposal would not result in such an overbearing or overshadowing impact to constitute a refusal of planning permission on these grounds.

I am mindful that the proposal would result in the loss of a portion of the private amenity space associated to no. 11 Friend Lane, however I am of the opinion that the remaining portion (c380m²) would be adequate in order serve the existing dwelling. The amenity area associated to the proposed dwelling of c64m² is considered appropriate when taking account of the size of the proposed dwelling and number of bedrooms.

Having considered the separation distances to No. 9 Friend Lane and No. 13 (65m and 40m respectively) I am also satisfied that the proposed dwelling would not result in any material impact on neighbouring amenity. Proposed first floor windows would face onto the rear extremities of the neighbours' rear gardens and due to the acute angles are unlikely to have a significant detrimental impact on the privacy of the remaining gardens areas or dwellings either side of the site. I note that the proposed garage would be positioned close to the shared boundary with No. 9 Friends Lane, however when taking account of the relatively modest dimensions of the proposed garage and position at the rear of the site, I am of the view that this element of the proposal would also not result in any material impact on neighbouring amenity.

I am therefore satisfied that the proposal accords with the amenity criteria set out within Policy DM5 of the DPD.

Highway Matters

Spatial Policy 7 of the Core Strategy seeks to ensure development proposals provides safe, convenient and attractive accesses for all and provide appropriate and effective parking provision, both on and off site, and vehicular servicing arrangements. Policy DM5 of the DPD reflects the

aims of SP7 and adds that parking provision should be based on the scale and specific location of the development.

I am mindful of the unadopted status of Friend Lane and that the Highway Authority has not raised an objection to the proposal. I am of the view that the existing access to the site would be suitable and that there would sufficient parking and turning areas for both the proposed dwelling and the existing dwelling 11 Friend Lane. As such I am satisfied that the proposal would not result in any material highway safety concerns and in accordance with Spatial Policy 7 and Policy DM5.

The comments in relation to the potential damage to Friend Lane highway are noted however this would be a civil matter between the shared owners of the highway and would therefore not be afforded any material weight in the determination of this planning application.

Conclusion and Planning Balance

The proposed development would not result in any material impact on the amenity of neighbouring properties or upon highway safety at the site. It is noted that the application site is in a sustainable location for new housing development and would contribute to the supply of housing and therefore have some economic and social benefits which modestly weigh in favour of the application. However, the proposed development, would represent an incongruous and alien form of development at odds with the grain and layout of existing built form by virtue of its backland position, height and scale/massing in comparison to the existing dwelling at the site and is considered to result in a material and harmful impact on the character and appearance of the site and wider locality, which could too readily be repeated along the lane. It is therefore considered contrary to the aims of Core Policy 9 of the adopted Core Strategy and Policy DM5 of the DPD as well as the NPPF, a material planning consideration. The harm is considered to outweigh the benefits of the scheme in this case.

RECOMMENDATION

That planning permission is refused for the following reason:

01

In the opinion of the Local Planning Authority (LPA) the proposal would constitute an incongruous and alien form of development that would be at odds within the existing grain and character of the area by virtue of its backland position and its height and scale/massing in comparison to the existing dwelling when viewed from Friend Lane which would result in a material adverse impact on the character and appearance of the site and wider area. It is also considered that approving this development would set a harmful precedent for similar types of alien backland development which cumulatively would further erode the character and appearance of the area. The proposal is therefore contrary to Core Policy 9 (Sustainable Design) of the adopted Newark and Sherwood Core Strategy and Policy DM5 (Design) of the adopted Allocations and Development Management DPD as well as the advice within the NPPF, a material planning consideration. There are no other material planning considerations that outweigh this harm.

Notes to Applicant

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/

Background Papers

Application Case File

For further information, please contact Gareth Elliott on ext 5836.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Matt Lamb
Business Manager Growth & Regeneration

Committee Plan - 18/00139/FUL

