

## **PLANNING COMMITTEE – 6 NOVEMBER 2018**

<b>Application No:</b>	<b>18/01402/FUL</b>		
<b>Proposal:</b>	<b>Part conversion of 9 The Paddocks to create an additional Chalet Bungalow within the site (resubmission of withdrawn application reference no. 18/00683/FUL)</b>		
<b>Location:</b>	<b>9 The Paddocks, Newark On Trent, NG24 1SS</b>		
<b>Applicant:</b>	<b>Mr M Moulds</b>		
<b>Registered:</b>	<b>27 July 2018</b>	<b>Target Date: 18 September 2018</b>	<b>Extension of Time Agreed Until 8 November 2018</b>

**This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as Newark Town Council has objected to the application which differs to the professional officer recommendation. In addition the local Ward Member, Cllr D Lloyd, has requested that the application is determined by the committee following a site visit.**

### **The Site**

The site comprises a detached chalet style bungalow on a spacious corner plot within development of similar style properties known as The Paddocks within the suburbs of Newark. Land surrounding the bungalow is grassed with no defined boundaries with the adjacent footway giving it an open appearance. There is one ornamental tree to the southern-most corner of the site.

The existing dwelling is constructed of pale red bricks with horizontal white painted timber cladding to its top half. It provides for accommodation over two floors comprising a lounge, small bedroom, bathroom and kitchen at ground floor with attached single garage with two further bedrooms at first floor.

The existing dwelling fronts north-east towards the two storey dwellings on the northern side of the highway. It and the dwellings to the north-west share the same identical design, with no. 11 being the immediate neighbour which has no side windows facing the application site, albeit it has its entrance in its side and driveway immediately adjacent to the boundary.

The dwellings to the south-west are two storey, whilst dwellings across the highway to the south-east are two storey. No. 7 has its attached flat roof garage immediately adjacent to the site boundary which site slightly further forward than the dwelling. This has one first floor window facing the application site, which appears to serve a landing.

### **Relevant Planning History**

18/00683/FUL – Part conversion of 9 The Paddocks to create an additional Chalet Bungalow within the site. Application withdrawn in June 2018. On this scheme there was no internal doorway between the units and no new driveway/parking was shown to serve the new garage.

## The Proposal

As originally submitted, this application sought planning permission for what was described as an 'Annex to 9 The Paddocks (Re-submission of 18/00683/FUL)'. However following discussions with the applicant, the scheme has been amended to remove the internal link and to revise the external design and the description of development has been amended accordingly.

Full planning permission is now sought for a physical extension to the existing building and its reconfiguration internally to form 2 dwellings as detailed below.

The extension to the south east of the existing dwelling is largely single storey but proposes accommodation within the roof space at the corner point where it curves around. This extends forward of the existing dwelling by c1m, projecting c16m in depth and extending out to the side by c6m (excluding the garage). The height of the extension is lower than the existing dwelling at c5.23m to ridge. A new dormer window is also proposed to the north-western side of the existing dwelling; this is set back from the frontage by just over 1m and extends c8.87m back into the site and contains one window to the side serving a landing. The proposed materials would match the existing dwelling.

The proposal involves the demolition of the existing garage and the reconfiguration of the internal floor space to create;

- An open plan kitchen/diner/lounge, utility (within the new extension) plus bedroom with dressing room, bathroom and separate w.c (within approximately half of the existing floorspace) at ground level with a spiral staircase leading to a second bedroom (within the new extension) with dressing area and bathroom at first floor (within approximately half of the existing floorspace) at first floor. This unit would also benefit from an attached single garage and its own separate driveway.
- The remaining part of the original dwelling would be reconfigured to comprise a kitchen/utility, lounge with staircase to one bedroom and a bathroom upstairs, served by a new dormer extension. This would be served by a new driveway.

Both of the above described units have their own separate entrances. The previously shown internal linkage has now been deleted allowing each to function independently. The layout plan shows an area of shared front and rear garden area.

The revised application comprises the following and it is upon this these that the recommendation is based upon:

- Design & Access Statement
- Site Location Plan
- Existing Elevations 109 03
- Existing Floor Plans 109 02
- Existing Site Plan 109 01
- Proposed Elevations 109 A/306 (received 17.09.2018)
- Proposed Floor Plans 109 A/305 (received 17.09.2018)
- Proposed Site Plan 109 A/304 (received 17.09.2018)

## Departure/Public Advertisement Procedure

Occupiers of 23 properties have been individually notified by letter of the original proposal with a consultation expiry date of 17 August 2018. Further consultation has taken place on the amended proposal and description of development.

## **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 7 - Sustainable Transport  
Core Policy 3 – Housing Mix, Type and Density  
Core Policy 9 -Sustainable Design  
Core Policy 10 – Climate Change  
Core Policy 12 – Biodiversity and Green Infrastructure  
NAP1 - Newark Urban Area

#### **Allocations & Development Management DPD**

Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy  
Policy DM5 – Design  
Policy DM6 - Householder Development  
Policy DM9 – Protecting & Enhancing the Historic Environment  
Policy DM12 - Presumption in Favour of Sustainable Development

## **Other Material Planning Considerations**

- National Planning Policy Framework 2018
- Planning Practice Guidance
- Publication Core Strategy

## **Consultations**

### **Newark Town Council – 27/09/2018:**

“Members AGREED that the original objections from this Committee should be sustained with any amendments necessary to reflect the revised design which removes the internal connecting door. Thus the latest application is for a self-contained independent new property.

It was therefore decided to OBJECT to this application again on the following grounds:

### **Terms of Application**

Given the revised application and design it would now seem appropriate to apply policies pertinent to new properties.

## Grounds for Objection

These are principally with regard to design and the impact on the street scene and local character. The application chooses to refer to local properties as chalet bungalows which are used as the description in the following narrative.

### The Proposal is Contrary to Policy:

It is incongruous with the chalet bungalow form of all properties facing no. 9 and does nothing to enhance the street scene and distinctive local character. Given its corner location, the design and massing, entirely detract from the area and does not demonstrate good design considerations. The design statement supplied with the application seeks to reason this away by referring to the different design of properties 1 through to 7 this cannot be justification for the views of all other properties in The Paddocks which, by their layout and clear visibility splays, are contiguous and relatively uniform throughout. The scale of the development is overbearing given its corner location, one which I would suggest is a gateway location to the road. The addition of dormer windows and the large central columnar feature entirely move away from any suggestion of a chalet bungalow design. The scale, layout and design are not in keeping with the uniformity of appearance and spacing found in the current elevations. In support of these objections the following policies are submitted for the Committee to consider:

## National Planning Policy Framework

### Section 7: Design

- 58. Developments will establish a strong sense of place, using streetscapes respond to local character [] and the identity of local surroundings.
- 60. It is however, proper to seek to promote or reinforce local distinctiveness.
- 64. 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.

## Allocations & Development Management Development Plan Document

### Policy DM6 Householder Development

- 2. There is no adverse impact on the amenities of neighbouring users including loss of privacy, light and [sic] overbearing impact.
- 6. The proposal respects the character of the surrounding area including its local distinctiveness.

### Householder Development Supplementary Planning Document

- 7.2 Poorly designed and unsympathetic additions or alterations that will detrimentally affect the appearance of a property and potentially the wider street scene within which it is located, are likely to be out of character with and so harmful to local distinctiveness of an area and give rise to adverse impacts on neighbour amenity.
- 7.4 The overall objective for any proposed addition to a residential dwelling should be based around its successful integration with the host dwelling and its surrounding area [] a balanced visual relationship with the host dwelling and of the surrounding area respected through the design, proportions and detailing of the proposal.

- 8.3 Side Additions: where the density and layout of existing development is generously spaced, or where there are uniform gaps between buildings, the side additions should be designed to respect this pattern of development. On corner plots [] a side addition should be designed so that it would not form an overly dominant feature or appear as out of character with the street scene.
- 8.6 First Floor Additions: should not seek to 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 and reflect the over-riding need for the proposal to be successfully integrated with the host dwelling, with due consideration given to the replicating of any external details which contribute to the character of the existing dwelling and/or surrounding area.”

**04.09.2018**

‘It was decided to OBJECT to this application again on the following grounds:

#### Terms of Application

In the first instance, the title and purpose of the application is queried. It is titled as an ‘additional chalet bungalow’ whilst being wholly integrated into the current property. As such, it would seem appropriate to apply policies pertinent to additions and to new properties as both will be pertinent given the seeming hybrid approach of the application.

#### Grounds for Objection

These are principally with regard to design and the impact on the street scene and local character. The application chooses to refer to local properties as ‘chalet bungalows’ which are used as the description in the following narrative.

#### The Proposal is Contrary to Policy:

It is incongruous with the chalet bungalow form of all properties facing no. 9 and does nothing to enhance the street scene and distinctive local character. Given its corner location, the design and massing, entirely detract from the area and does not demonstrate ‘good design’ considerations. The design statement supplied with the application seeks to reason this away by referring to the different design of properties 1 through to 7 – this cannot be justification for the views of all other properties in The Paddocks which, by their layout and clear visibility splays, are contiguous and relatively uniform throughout. The scale of the development is overbearing given its corner location, one which I would suggest is a ‘gateway’ location to the road. The addition of dormer windows and the large central columnar feature entirely move away from any suggestion of a ‘chalet bungalow’ design. The scale, layout and design are not in keeping with the uniformity of appearance and spacing found in the current elevations. In support of these objections the following policies are submitted for the Committee to consider:

#### National Planning Policy Framework

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58. Developments will ‘establish a strong sense of place, using streetscapes’ ‘respond to local character [...] and the identity of local surroundings’.

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- 64. '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'.

#### Allocations & Development Management Development Plan Document

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- 2. 'There is no adverse impact on the amenities of neighbouring users including loss of privacy, light and [sic] *overbearing impact*'.
- 6. 'The proposal respects the character of the surrounding area including its local distinctiveness'.

#### **Householder Development Supplementary Planning Document**

- 7.2 'Poorly designed and unsympathetic additions or alterations that will detrimentally affect the appearance of a property and potentially the wider street scene within which it is located, are likely to be out of character with and so harmful to local distinctiveness of an area and give rise to adverse impacts on neighbour amenity'.
- 7.4 'The overall objective for any proposed addition to a residential dwelling should be based around its successful integration with the host dwelling and its surrounding area [...] a balanced visual relationship with the host dwelling and of the surrounding area respected through the design, proportions and detailing of the proposal'.
- 8.3 Side Additions: 'where the density and layout of existing development is generously spaced, or where there are uniform gaps between buildings, the side additions should be designed to respect this pattern of development'. 'On corner plots [...] a side addition should be designed so that it would not form an overly dominant feature or appear as out of character with the street scene'.
- 8.6 First Floor Additions: should 'not seek to 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' and 'reflect the over-riding need for the proposal to be successfully integrated with the host dwelling, with due consideration given to the replicating of any external details which contribute to the character of the existing dwelling and/or surrounding area.'

#### **Deferred until 29 August to allow residents longer to comment**

#### **NCC Highways Authority – (26/09/2018)**

#### Amended Site Plan A/304

The description of this application has been amended from an annexe to part conversion to create an additional bungalow. The site layout as shown on the amended plan is acceptable to the Highway Authority.

Therefore, there are no highway objections to this proposal subject to the following:

- 1. No part of the development hereby permitted shall be brought into use until 2 dropped vehicular footway crossings, as shown on dwg. A/304 are available for use and constructed in accordance with the Highway Authority's specification.  
Reason: In the interests of highway safety.

2. No part of the development hereby permitted shall be brought into use until the access driveways have been completed and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with dwg. no. A/304.  
Reason: In the interests of highway safety.
3. No part of the development hereby permitted shall be brought into use until the existing site access that has been made redundant as a consequence of this consent and as shown on dwg. A/304 is permanently closed and the access crossing reinstated as footway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of highway safety.

#### Notes to Applicant

The development makes it necessary to construct 2 vehicular crossings over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

The minor access reinstatement works referred to in Condition 3 above involves works on the highway and as such required the consent of VIA/Notts County Council. Please contact 0300 500 8080 to arrange for these works to be carried out.

(07/08/2018) – ‘This application is for an annexe to an existing dwelling, with associated parking. The proposal includes the construction of 2 new vehicular access points – 1 to the north of site and 1 to the south. The existing vehicular access will be reinstated back to full kerb.

There are no highway objections to this proposal subject to the following conditions being imposed:

1. No part of the development hereby permitted shall be brought into use until 2 dropped vehicular footway crossings, as shown on dwg. no. A/04 Rev. A, are available for use and constructed in accordance with the Highway Authority’s specification. Reason: In the interests of highway safety.
2. No part of the development hereby permitted shall be brought into use until the access driveways have been completed and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with dwg. no. A/04 Rev. A. Reason: In the interests of highway safety.
3. No part of the development hereby permitted shall be brought into use until the existing site access that has been made redundant as a consequence of this consent and as shown on dwg. No. A/04 Rev. A is permanently closed and the access crossing reinstated as footway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of highway safety.

## Notes to Applicant

The development makes it necessary to construct 2 vehicular crossings over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

The minor access reinstatement works referred to in Condition 3 above involves work on the highway and as such requires the consent of VIA/Notts County Council. Please contact 0300 500 8080 to arrange for these works to be carried out.'

**NSDC Access & Equalities Officer** – Makes general comments.

**Representations (mostly objections) on the original plans have been received from 15 local residents/interested parties (from 11 households) which can be summarised as follows**

- Nothing significant has changed to original plans that were withdrawn;
- The Paddocks will lose its identity and character;
- Location is prominent corner plot and would seriously detract from the open aspect/plan;
- Dormer will overlook neighbours and cast shadow;
- Noise of two households sharing one tiny garden;
- Loss of peacefulness of the cul-de-sac;
- Right to light will be taken away;
- Concerns that lifts will be installed and the fire risk associated;
- Extension projects beyond the building line and will look ugly;
- There is a covenant preventing extensions, changes to front/side gardens and parking of caravans;
- The new garage could impose overshadow and obscure highway visibility;
- Concern that this could become two separate dwellings by blocking up internal door;
- Can caveat be placed to prevent it becoming two separate dwellings;
- Concern that it contains features not designed for those with disabilities such as spiral staircase and bath rather than showers/wet room;
- Windows, gutters and soffit's would be grey when the existing properties are white;
- Loss of a healthy cherry tree (far better to see the tree when driving into the Paddocks, than the Annex protrusion);
- The proposal to contravene the Local Plan guidance as it is to the detriment of the quality, character and amenity value of the area;
- Loss of light, overshadowing and privacy;
- Structure will obscure the view of traffic coming from around the corner of the bend in both directions which will be dangerous;
- Too modern and too big;
- Driveway already has 5 cars parked permanently outside;
- This is not an annex as it has its own vehicular access;
- Commercial venture providing a supported living car facility which is inappropriate for the locality;
- The applicant has never lived in the property;
- There are existing problems accessing and leaving no. 5 & 7
- Narrow road and footpath widths and pedestrians walk on the road which is not safe
- This application is causing serious stress and anxiety to residents



**In respect of the amended plans, 14 neighbours/interested parties (from 11 households) have raised objections to the scheme. These reiterate previous objections listed above.**

#### Comments of the Business Manager

Based on the amended scheme and description of development, I am of the view that the scheme represents an application to create two separate dwellings formed from the existing dwelling and its proposed extension. This is on the basis that each unit has all the essential accommodation to allow for independent occupation, plus separate entrances and driveways. Whilst the garden is currently annotated on the plans as shared, it would in my view be easy to subdivide the space with the simple erection of a fence or planting which would not in itself need planning permission. I have therefore assessed the application as the creation of a new dwelling as it is capable as being occupied as such. It should be noted that the applicant previously paid the fee for it to be considered as a dwelling.

#### The Principle

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.

The principle of residential development in this area is acceptable, being located within the built up part of Newark, a Sub Regional Centre in the settlement hierarchy and a highly sustainable location. The provision of what I consider to be essentially two dwellings instead of one is acceptable. However this does not automatically mean that development should be granted as other material considerations are also taken in to account including the impact upon the character of the area, impact on the residential amenity of neighbouring properties and highway matters which are discussed below.

#### Housing Need & Mix

CP3 of the adopted Plan seeks to secure new housing that addresses the housing need of the district generally which is identified as family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. I note that CP3 in the Publication Core Strategy deletes reference to the family housing of 3 bedrooms or more, which can be afforded weight given its advanced stage and that there are no unresolved objections to this. Furthermore the National Planning Policy Framework, as revised, seeks to significantly boost the supply of homes and ensure the needs of groups with specific housing requirements are addressed.

The Housing Need for the Newark Sub Area (where Newark falls) according to the 2014 HNS Final Report by DCA, concludes that in the market sector the most needed type of accommodation is as follows: 3 bedrooms (40.2%), followed by 2 beds (33.7%) followed by 4 beds (14.4%) followed by 5+ bedrooms (8%) and finally 1 bedroom units (3.7%).

This is a scheme that would make efficient use of land by introducing accommodation that is capable of supporting two families. The proposal would involve the loss of one 3 bedroom unit (the most needed type in Newark) but on the other hand it could in my view potentially cater for the second most needed type of market accommodation (2 beds) in the area. Whilst the one bedroom unit is the least required, I appreciate that nevertheless there are 79 units of one bedroom dwellings required in the area. I therefore have no objection to the loss of a 3 bedroom unit and the provision of two smaller units in principle and find that this accords with the Development Plan.

#### Impact on Character and Appearance of the Area

Core Policy 9 states that new development should 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 DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The NPPF, as revised, states that a high standard of design is a key aspect of sustainable development and that new development should be visually attractive as a result of good architecture and appropriate landscaping. It is not the intention that policy or decisions should dictate design and the NPPF as revised states (at para.127) that decisions should ensure that developments *'are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'* This is reflected in the local plan policies noted above.

The site lies within a suburban part of Newark, on a modest estate of houses of a similar era and design. Primarily there are two styles of dwellings on The Paddocks; two storey detached dwellings and detached 'chalet' style bungalows of a similar design to the host dwelling. These are arranged in groups such that along the north side of The Paddocks the houses are fairly uniformed two storey dwellings whilst opposite these are chalet bungalows of a similar (if not identical) design and appearance. This gives a sense of rhythm and uniform to the area. This corner plot is unusual on this estate in that it has to front onto two roadsides as the road turns the corner. It faces northeast and sides onto the south-east with dwellings set on a similar building line. However whilst dwellings to the south-west have their front gardens and drives fronting them, the application site has a large area of open plan lawn area that is essentially side garden but that is not functionally used as such.

The proposals would introduce new built form on the currently open side garden and this would project beyond the current frontage (facing north-east) of the existing dwelling by approximately 1 metre. I note that the existing dwelling together with numbers 9 & 11 are on an identical building line. However equally I note that numbers 15 & 17 are set marginally further forward (by c1.2m), such that I do not consider that the setting of an extension to the building by 1m would have a harmful impact upon in terms of footprint.

I note the concerns regarding the dormer window being a dominant feature. However I do not agree. This would be set back, in and down from the ridge line. Whilst the overall design is unusual and differs from other dwellings in the vicinity the site would still retain a sense of openness with the road by being set away from the back edge of the footway by a minimum of 4.48m.

The proposed materials are bricks and tiles to match the existing dwelling. It is proposed to utilize grey upvc windows, fascias and soffits. I note the objection to these from local residents. However I would point out that any dwelling could change their windows to grey or indeed paint them without needing planning permission and I do not consider the use of these would be unacceptable.

Ultimately Members will need to come to a view as to whether the design is acceptable. I have come to the view that it is acceptable which differs from the position of the Town Council and all of the residents that have made their representations. The reason for this is as follows. Given its corner position, I consider that this plot allows for a design that deviates from the 'traditional' character and appearance of the dwellings on this estate without it appearing detrimental. Clearly this is a subjective consideration but having considered this matter carefully, whilst I do accept that this is somewhat unusual, I find that on balance the design is satisfactory. In coming to this view, I am mindful of a recent appeal decision (APP/B3030BD/18/3202392 – 8 Paddock Close in Edwinstowe, planning app ref 18/00374/FUL) where an Inspector dismissed a very similar argument in terms of character and appearance (albeit went on to dismiss the appeal on other grounds). I do not share the views of residents that the approval of this application would cause The Paddocks to lose its identity or sense of place.

#### Impact on Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. In addition consideration should be given to the potential for crime and anti-social behaviour. The NPPF seeks to secure a high standard of amenity for all existing and future occupants of land and buildings.

Firstly I shall turn my attention to the impacts of the 1 bed accommodation within the existing structure. This would be served by a newly formed access drive off The Paddocks and would lie immediately adjacent to a neighbour's driveway. I do not consider that this driveway would cause any unacceptable level of disturbance to the neighbours.

The proposed new dormer window to the first floor spans almost the entire depth of the existing dwelling. Whilst there is one first floor window to the side, this serves a non-habitable room (landing) which faces onto the blank expanse of roof slope of the neighbouring dwelling such that it does not pose an issue of direct overlooking. The principle windows within the dormer face front and rear so do not directly overlook the neighbours to any further degree than the existing situation. I have considered whether there would be any requirement to remove permitted development rights in terms of inserting new windows within the roof slope, however have concluded that this is not necessary as the legislation requires that any windows to the side of the dwelling would need to be obscure glazed and non-opening above a certain height in any event.

I find that the impact of this element of the scheme would not have any adverse impact upon the amenity of the neighbours through loss of light, overshadowing, direct overlooking or a general nuisance.

Secondly, I consider the impact arising from the 2 bedroom unit which includes the new extension. The most affected neighbour here is no. 7 The Paddocks. However the impact of this is limited by its height (at just 5.23m) which is lower than the existing dwelling and that the forward projecting garage would to a large extent shield the living accommodation from being impacted. There are no direct overlooking relationships and I do not consider that the proposed extension would cause any harm to their level of amenity through being overbearing, overshadowing or loss of privacy etc.

I note in a more general sense that concern has been raised that the noise from two households sharing one tiny garden would cause of loss of amenity and a general sense of peacefulness of the cul-de-sac. I do not consider that the intensification of the use is so great that this would lead to unacceptable loss of amenity in terms of noise, given its location within a residential area.

No other dwelling would be directly affected by the proposal given the distances involved.

### Impact on 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 DPD requires the provision of safe access to new development and appropriate parking provision.

Standing advice applies to this type of development albeit I note that NCC Highways have provided comments in any event. I note that each unit of accommodation provides for its own permeable driveway sufficient to park two cars each. This is an acceptable quantum of parking for the size of the units proposed and I have identified no highway harm to this arrangement, which is similar to the other houses on the quiet estate. I note that NCC Highways Authority have commented they have no objection subject to 3 conditions. One of these is incorrect in that it mistakenly requires an access to be stopped up which is clearly not the intension from the plans and contradicts the other suggested conditions. The other two conditions are relevant and reasonable in all other respects and I have therefore included them below. These would control the provision of a dropped curb and require a bound surface to the driveways. NCC Highways Authority have raised no issue with the loss of the visibility splay as raised by some local residents and I find there to be no grounds to substantiate a reason for refusal on this basis.

### Tree Impacts

Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.

This application would involve the loss of one ornamental tree to make way for the new driveway. Whilst this is regrettable, the tree is not worthy of protection and could be removed at any time without notice such that it would be unreasonable to resist the proposal on these grounds. I do not consider that it is reasonable or necessary to require new planting as part of any permission.

### Other Matters (including those raised through the Consultation Process)

#### *Assessment of the alternative*

If assessing the scheme as an annex that would operate as ancillary to the main house, my conclusions would be the same in that the impact on residential amenity and visual amenity are considered to be acceptable and in accordance with DM6.

## *Covenant*

I note neighbours have raised the issue of a covenant being allegedly in place to prevent extensions and the change in appearance of the frontages. However this is a private legal matter that is separate from the planning process.

The application is assessed on the basis of the plans. Whilst I note the concern raised regarding the fire risk associated with the provision of a lift, the proposals do not currently show the provision of a lift and in any case would be covered by other non-planning (building regulations) legislation. In Regarding the comments that this is a supported living care facility which is inappropriate for the locality, the application is not advanced as a commercial venture but as two separate dwellings. Whether the applicant has lived at the property is not a relevant planning consideration.

## **Overall Balance and Conclusion**

The extension and subdivision of one building to create two dwellings in this location is considered to be acceptable in principle and the proposal would make an efficient use of land. I have identified no harm in terms of highway safety or neighbouring amenity. Whilst the design of the resultant building would deviate from the style of dwellings in the immediate area, I consider that this unusual corner plot can accommodate a proposed extension of a design that does not follow the traditional style of this particular estate without having such a harmful impact that would warrant a reason for refusal. On balance, I find that the scheme is acceptable and recommend approval.

## **RECOMMENDATION**

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

### Conditions

01

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

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

02

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

03

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans, references:

- Proposed Elevations 109 A/306 (received 17.09.2018)
- Proposed Floor Plans 109 A/305 (received 17.09.2018)
- Proposed Site Plan 109 A/304 (received 17.09.2018)

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

04

No part of the development hereby permitted shall be brought into use until 2 dropped vehicular footway crossings as shown on drawing no. A/304 are available for use and constructed in accordance with the Highway Authority's specification.

Reason: In the interests of highway safety.

05

No part of the development hereby permitted shall be brought into use until the access driveways are surfaced in a bound material for a minimum distance of 5m rear of the highway boundary in accordance with drawing A/304.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)

#### Notes to Applicant

01

The development makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

02

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

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](http://www.newark-sherwooddc.gov.uk)

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/) or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

Background Papers

Application Case File

For further information, please contact Clare Walker on ext 5834.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**

**Business Manager – Growth & Regeneration**

Committee Plan - 18/01402/FUL

