

PLANNING COMMITTEE – 6 NOVEMBER 2018

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| Application No: | 18/01421/FUL | |
| Proposal: | Erection of a New Dwelling including the Demolition of the Existing Flat Roofed Garage | |
| Location: | Wood View , The Close, Averham, NG23 5RP | |
| Applicant: | Mr Brett Ward | |
| Registered: | 26.07.2018 | Target Date: 20.09.2018 |
| | | Extension Agreed to: 07.11.2018 |

This application is being referred to the Planning Committee for determination as the Officer recommendation is contrary to that of the Parish Council. Cllr. Blaney has also called the application to the committee on behalf of the Parish Council.

The Site

The site is situated to the north-western periphery of the village of Averham off the A617 and 'The Close'. It relates to the approximately 27 m x 11 m western side garden area belonging to the property 'Wood View'. Directly to the west of the application site is 'Pinfold Cottage' which is set back approx. 4 m south of the rear elevation of the proposed dwelling (approx. 26 m back from the front boundary of the plot). To the north is the A617, as such the plot holds a prominent position within the wider area.

Wood View is located in Averham Conservation Area, first designated in 1992. Historic maps from 1884 – 1955 demonstrate the village's development pattern as almost entirely unaltered, and the village today remains a very small settlement, with a number of modern houses enclosing the conservation area. The CA boundary extends to include historic earthwork remains, including a medieval moated site and manor house. The Historic Environment Record identifies additional historic earthwork patterns, including a linear cropmark complex.

The Close is an adopted cul-de-sac which is host to a row of modern C20 two storey houses in a combination of stretcher bond brickwork and rendered facades. Wood View is a positive building when considered within the context of its surroundings, primarily by virtue of its historic value; originally built as a police house.

Wood View, like each of the Type B Police Houses built throughout Nottinghamshire, is a modest two-storey dwelling with a gabled perpendicular end-wing and tiled kneelers that makes a neutral contribution to the character of the Conservation Area. The building has a flat roofed single storey ancillary range that adjoins the principle house.

Relevant Planning History

There is no relevant planning history for the site. However, recent applications within Averham which are relevant to the decision making on this application are:

17/02307/FUL - erection of three bed house at Land at Pinfold Lane, Averham. Approved at Planning Committee in May 2018

17/01279/FUL - erection of three bed house at The Old Forge, Staythorpe Road, Averham. Approved at Planning Committee in October 2017

16/00859/FUL – Erection of a single dwelling on land at Little Hollies. Three previous applications refused and dismissed at appeal. The 2016 application refused by the Council and subsequently allowed at appeal in January 2017.

The Proposal

For the avoidance of doubt, throughout the course of this application the proposed dwelling has been revised significantly to overcome the Conservation Officers objection.

The application seeks consent for the erection of a 2 Bedroomed dwelling in the land to the west of Wood View. In order to facilitate the construction of this dwelling the application also seeks consent for the demolition of an existing flat roofed garage which is situated west of the western most side elevation of the hostdwelling, Wood View and set back approx. 20 m back from the boundary with the highway (see picture below, garage with side hung timber doors). The garage is currently in use and has a GIA of 15 m².



The new dwelling is proposed to be set to the western side of the plot of Wood View, with its frontage facing onto the adopted highway of 'The Close'. The property would have an internal floor area of approximately 74.85 m² and is proposed to be 1.5 storeys in height.

Approximate Proposed Dimensions:

- a) Front to back dimension – 7.7m in total depth (revised from 11.8m)
- b) Side to side dimension – 7.3 m total width
- c) Height to eaves – 3.4 m (revised from 5m)
- d) Height to ridge – 6.7 m (revised from 7.5m)

Internally the dwelling comprises a kitchen and open plan living room/breakfast area and downstairs wc/cloakroom and utility area at ground floor and two bedrooms and two en-suite bathrooms at first floor.

The dwelling is proposed to be set back approx. 15.5 m within its plot from the boundary to the highway in line with the main body of the neighbouring dwelling 'Wood View'. It is proposed to be positioned approx. 4 m from the SW rear boundary, 1.5 m from the western side boundary and 0.7 m from the eastern common boundary with Wood View.

A separation distance of 1.7 m between elevations (side to side) is proposed between the dwelling and Wood View to the east and 9 m between the middle of the rear elevation and middle of the closest GF window of Pinfold Cottage to the SW.

Materials: Oast Russet Sovereign stock facing brickwork and Sandtoft Clay Pantiles roof covering proposed with lead sheet finish to the siders and cheeks of the dormer window and double glazed painted timber windows.

The existing vehicular access onto 'The Close' is proposed to be widened to serve the two dwellings on a 'shared drive' principal, allowing for suitable space for on-site turning and vehicle maneuvering. A rear facing private garden space is proposed along with an open fronted forward facing garden to concur with the street scene along 'The Close'. Pedestrian access will be provided to the two private rear garden areas of both 'Wood View' and the proposed dwelling.

2 parking spaces will be provided and 2 will remain for the hostdwelling, Wood View.

CIL – Gross Internal floor space of the new dwelling is proposed to be 74.85 m² less the 15.56 m² of the existing garage to be demolished results in a net additional floor space of 59.29 m².

Documents deposited with the application:

- Design and Access Statement (24.7.18)
- Amended Proposed Plans – 566-04A (received 28.9.18)
- Photographs of Existing Garage (26.7.18)
- CIL Liability Form (26.7.18)

Departure/Public Advertisement Procedure

3 neighbours have been notified by letter, a site notice has been displayed close to the site and a notice has been placed in the local paper.

Following a reconsultation on revised plans earliest decision date - 15 October 2018.

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 3 – Rural Areas

Spatial Policy 7 - Sustainable Transport

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 – Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Core Policy 14 - Historic Environment

Newark and Sherwood Allocation and Development Management DPD, adopted 2013

DM5 – Design

DM8 – Development in the Open Countryside

DM9 - Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework (NPPF) 2018

National Planning Practice Guidance (NPPG) 2014

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Newark and Sherwood Amended Core Strategy DPD 2017

Spatial Policy 3 Guidance Note SPD

Consultations

Averham Parish Council – “The AKS Parish Council object to the above planning application for the following reasons. The proposed development would appear to dominate the historic Pinfold Cottage which as a house of some 200 years of age is only 1.5 storeys in height.

The proposed development would overlook the side elevation of historic Pinfold Cottage and its garden which is situated predominantly to the front of the cottage.

The size of the proposed development appears to be out of proportion to the size of the plot available and not in keeping with scale of the other plots along The Close.

Given the close proximity to the existing building the massing created would dominate the street scene along The Close and especially the vista from Pinfold Cottage to the rear. The impact on Pinfold Cottage is greatly increased as it sits approximately 1.5 below the level of the proposed development.

In previous applications in Pinfold Lane and The Close, N&SDC planning officers have described properties between The Close and Pinfold Lane as being large, set in equally proportioned spacious plots and part of the character of that part of the Averham conservation area. The

Parish Council considers that the continued erosion and in-filling of garden plots has a cumulative effect of damaging the very character of the conservation area that is required by policy to be protected.

Planning Guidance notes state Spatial Policy 3 is intended to serve the public interest rather than that of individuals and consequently the proven local need to which it refers must be that of the community rather than the applicant. This application would appear to fall into the latter as it appears to be more of commercial venture for the benefit of the individual as opposed to of benefit to the community.”

NCC Highways – “This proposal is for a new dwelling adjacent ‘Wood View’, following demolition of an existing garage. There are two parking spaces proposed per dwelling which is acceptable to the Highway Authority, and the existing access width is to be increased to accommodate both dwellings.

The Highway Authority would not wish to raise objection to this application subject to the following:

1. No part of the development hereby permitted shall be brought into use until the access has been designed and thereafter completed to a standard that provides a minimum width of 5.25m (4.25m with 1m added as the access will be bounded on each side by hedge) for the first 5m rear of the highway boundary.
Reason: In the interests of highway safety.
2. No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with dwg. no. 566-02. The parking areas shall not be used for any purpose other than the parking of vehicles.
Reason: To ensure adequate off street parking provision is made to reduce the likelihood of on street parking in the area.

Note to Applicant:

Should any works be required to be carried out within the public highway, they should be constructed to the satisfaction of the Highway Authority. You would, therefore, be required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out."

Trent Valley Internal Drainage Board – "We refer to the above application and make the following observations: The site is within the TVIDB district. There are no Board maintained watercourses in close proximity to the site. The design, operation and future maintenance of site drainage systems must be agreed with the LLFRA and LPA."

Louise Jennings – Historic Environment Officer, Archaeology – "This site lies on the edge of the known extent of the core of the medieval settlement of Averham but immediately to the west of the site there is a large complex of linear features and possible ring ditch.

There is a possibility that these remains could extend into the proposed development site. Given this I recommend that provision should be made to record any potential archaeology on site. Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features.

'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publically accessible.' Policy 199 National Planning Policy Framework (2018)'

A brief will be produced by this department which will lay out the details above, and the specification for the work should be approved by this department prior to the commencement of works. Please ask the developer to contact this office for further details."

NSDC Access and Equalities Officer – “As part of the developer’s considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that their attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings. The requirements of a dwelling’s occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors’ alike as well as meeting residents’ changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users’ access to, into and around the new dwelling be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards with reference to the topography of the site to ensure that they provide suitable clear unobstructed inclusive access to the proposal. In particular, ‘step-free’ access to and into the dwelling is an important consideration and an obstacle free suitably surfaced firm level and smooth ‘traffic free’ accessible route is important to and into the dwelling from facilities such as car parking and from the site boundary. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

Carefully designed ‘step-free’ approach, ramps, level flush thresholds, generous doorways and corridors etc. all carefully designed to facilitate easy access and manoeuvre throughout and on all floors are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwelling together with suitable accessible WC and sanitary provision etc.

It is recommended that the developer make separate enquiry regarding Building Regulations matters.”

NSDC Conservation Officer –

Revised comments received 28.9.18 - “I am satisfied that the revised details address our concerns. I would anticipate appropriate conditions on all aspects of the construction and detailing/facing materials, with timber joinery and the chimney retained. You may wish to restrict PD rights for alterations to the roof (notably solar panels).”

Original comments:

“Many thanks for consulting Conservation on the above proposal.

Legal and Policy Considerations

Section 72 requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm. The courts have said that these statutory requirements operate as a paramount consideration, ‘the first consideration for a decision maker’.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF).

Paragraph 193 of the NPPF, for example, states that: 3. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that it would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of development that might be appropriate. The junction between new development and the historic environment needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting.

Significance of Heritage Asset(s)

Wood View is located in Averham Conservation Area, first designated in 1992. Historic maps from 1884 – 1955 demonstrate the village's development pattern as almost entirely unaltered, and the village today remains a very small settlement, with a number of modern houses enclosing the conservation area. The CA boundary extends to include historic earthwork remains, including a medieval moated site and manor house. The Historic Environment Record identifies additional historic earthwork patterns, including a linear cropmark complex.

The Close is an adopted cul-de-sac which is host to a row of modern C20 two storey houses in a combination of stretcher bond brickwork and rendered facades. Wood View is a positive building when considered within the context of its surroundings, primarily by virtue of its historic value; originally built as a police house. Police houses were built extensively across Nottinghamshire throughout the inter-war and post war era, with a form identifiable through the two design specifications; 'Type A' and 'Type B'. Wood View falls into the category of a Type B police house (built between 1945-1960) and it is almost identical in profile to the police houses identified in this appraisal within the Bassetlaw area, including police houses at Blyth, Tuxford, Babworth, Elkesley and East Markham.

E.W Roberts was the Nottinghamshire County architect responsible for the majority of the Type B houses and it is considered likely that he was the architect of Woodview in Averham. Roberts was a prolific architect of civic buildings and designed a number of libraries including the neo-Georgian library at West Bridgford. Throughout his tenure as County architect the Corporation built 54 new schools between 1944-1955. He was succeeded in 1955 by Donald Gibson, the dynamic architect responsible for much of Coventry's post war reconstruction.

Woodview, like each of the Type B Police Houses built throughout Nottinghamshire, is a modest two-storey dwelling with a gabled perpendicular end-wing and tiled kneelers that makes a neutral contribution to the character of the Conservation Area. The building has a flat roofed single storey ancillary range that adjoins the principle house.

Assessment of Proposal

Conservation provided pre-application advice for the application 18/01421/FUL on 4th April 2018 as part of PREAPP/00065/18, in which the following was stated:

‘At present, the row of modern C20 houses make a neutral contribution to the character of the conservation area and are spaced out as detached properties at regular intervals. It is noted on the indicative block plan that the new dwelling has a wide footprint, and as such would be located immediately adjacent to Wood View, which may impact on the uniform alignment of dwellings along The Close.

While conservation does not object to the principle of a new dwelling in this location, a recommendation is made to reconsider the siting of the new property and the possibility of reducing its footprint to ensure it does not disrupt the historic settlement pattern of the village and appear incongruous when viewed from the A617, which is a prominent aspect facing the boundary of the conservation area. ‘

Conservation has scrutinised the submitted plans and it is evident that the above advice has not been adhered to. The footprint of the newly proposed dwelling is overly substantial for its location, immediately adjacent to a non-designated heritage asset (Wood View former Police House) and within a prominent aspect of the Conservation Area. The building would appear incongruous with the surrounding built form, where each property is separated from the other by an adequate curtilage.

Conservation also understands there is a possibility to reduce the scale of the building by reducing it in height. However this would not eliminate the issue of an overly extensive footprint, which is considered to the principle issue of new development in this location.

In this context, it is felt that the proposal to erect a new dwelling would cause harm to the character of the Conservation Area and the character of the adjacent non-designated heritage asset. The proposal therefore is not in accordance with the objective of preservation set out under section 72, part II of the 1990 Listed Building and Conservation Areas Act, and does not comply with heritage policies and advice contained within the Council’s LDF DPDs and Section 16 of the NPPF.”

Comments from one interested party have been received which can be summarised as follows:

- Wood View sits in an elevated position (approx. 1.5 m) higher than Pinfold Cottage, the height of the new dwelling and proximity to Pinfold Cottage will overshadow and be imposing to the existing property.
- Proposed development does not reflect the existing relationships between dwellings along The Close and will disturb the grain of the street.
- A street scene elevation should be provided to indicate the relationship within the wider area.

Comments of the Business Manager

As submitted initially concerns were raised by Officers regarding the size of the proposed dwelling on this plot in addition to the size of the proposed residential private amenity space, separation distances, particularly between main habitable rooms on Pinfold Cottage given the original two storey height and the design and proportions of the dwelling. The Conservation Officer submitted their comments in objection to the original scheme and following in depth discussions with the agent the dwelling has been revised to reflect the Officers concerns.

As such, I consider that the main issues in assessing the proposal to relate to (1) the principle, (2) conservation/heritage issues, (3) highway matters and (4) the impact on neighbours. Each matter is addressed in turn below:

Principle (including position on 5 Year Housing Land Supply)

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.

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. The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF and sees sustainable development as a golden thread running through both plan making and decision taking. This is reflected at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the sub-regional centre, service centres and principal villages, which are well served in terms of infrastructure and services.

The Core Strategy outlines the intended delivery of growth within the District including in terms of housing. Spatial Policy 1 sets out a hierarchy which directs development toward the Sub-regional Centre, Service Centres and Principal Villages before confirming at the bottom of the hierarchy that within 'other villages' in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas).

The site is situated within the parish of Averham, which is defined as an 'other village' and as such is assessed against policy SP3 – Rural Areas. The site is situated to the north-western periphery of the village of Averham off the A617 and 'The Close'. It relates to the approximately 27 m x 11 m western side garden area belonging to the property 'Wood View'. Directly to the west of the application site is 'Pinfold Cottage' which is set back approx. 4 m south of the rear elevation of the proposed dwelling (approx. 26 m back from the front boundary of the plot). To the north is the A617, as such the plot holds a prominent position within the wider area.

I am mindful of the proposed changes to SP3 as part of the on-going plan review, some of which can now be afforded weight in the decision making process. The Amended Core Strategy and evidence base documents were submitted to the Secretary of State on 29th September 2017, with the examination undertaken earlier this year. For the purposes of paragraph 48 of the NPPF (stage of preparation, extent of unresolved objection and degree of consistency with national policy), it is considered that those areas of the emerging SP3 content not identified in the Inspector's post-hearing notes, satisfy the tests to the extent that 1) it is at an advanced stage, with the Examination having taken place in February 2018 with only the modifications to be finalised and consulted upon and 2) there are no unresolved objections to aspects of the policy relevant to this proposal.

Both the extant and emerging Core Strategy confirm that the District Council will support and promote local services and facilities in rural communities. Proposals for new development will be considered against five outlined criteria. The outlined criteria relate in many respects to matters which will be considered in further detail below.

It is important to note that three appeals relating to the erection of a dwelling 5 plots east of this application site have been dismissed (Application No 11/00150/FUL Appeal Ref: APP/B3030/A/11/2162334; Application No 12/00705/FUL Appeal Ref: APP/B3030/A/12/2188232; Application No 13/01468/FUL Appeal Ref: APP/B3030/A/13/2220069) in the recent past with one, the most recent, allowed at appeal (Application No 16/00859/FUL Appeal Ref APP/B3030/W/16/3158075). These appeals have narrowed the areas at issue relating to development within this location which will be explored below. Firstly, it has been concluded by the local planning authority in the past and the Inspectorate that in this location the application site lies within the built-up area of Averham, within the settlement boundary and defined conservation area.

Location of the Development and Sustainability

As stated above, the site is considered to fall within the main built up area of Averham; again, the planning authority has concluded that Averham is a sustainable, accessible village. It has been found that the village has a limited range of local facilities but that bus services provide access to Newark, Southwell and Mansfield which have a wider range of services and employment opportunities.

The Council's previous decisions at "Little Hollies, The Close, Averham NG23 5RP" to the east along with the recent appeal decision both carry significant weight as does the recent application for a new dwelling at Staythorpe Road, Averham (16/00001/FUL). All of which concluded that the location criterion of SP3 had been satisfied.

With regard to the services within the village there is a primary school, local theatre and a church. In terms of access to more sustainable settlements there is a local bus service running approx. every hour which provides access to Newark (approx. 3miles to the west), Southwell and Mansfield which have a wider range of services and employment opportunities. I am not aware that this is significantly different to when the appeal decision at the site was issued and certainly not since December 2017 when the aforementioned application was put before the Planning Committee for a new house on The Close, Averham.

In taking all of the above points into consideration I find that Averham is a sustainable location where a new dwelling could be supported on a locational basis under SP3 and is in line with paragraph 78 of the NPPF as an additional dwelling which would enhance or maintain the vitality of the rural community.

Housing Need

Any new housing within 'other villages' must meet an identified proven local need in order to be considered acceptable against Spatial Policy 3. Spatial Policy 3 Guidance Note states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group. A justification of need through a 'personal requirement' for a dwelling has been assessed by various Inspectors in the determination of a number of recent appeals and they have found that such a requirement is not considered to be consistent with the NPPF and accordingly the Council is of the same view.

However, I am also mindful of the proposed changes to Policy SP3 as part of the plan review which given its recent examination can be afforded some weight (as set out in the principle of development section above). This states that new housing will be considered where it helps to support community facilities and local services. Supporting text to this revised policy states that this policy requires applicants to demonstrate the services it will support and reflects the local housing need within the area in terms of both tenure and house types.

The applicant has not provided any supporting statement relating specifically to their personal need for a dwelling in this location but has stated in their D&A statement that *“Averham, whilst a smaller village, has a well-regarded Primary School, Manners Sutton Primary School, with just 39 pupils on the roll. Of this, a significant number of pupils are from outside the village. Supporting new family housing within the village will help to sustain this small village school, encouraging families to live in the village thereby reducing car journeys for pupils attending the school.*

Without further growth within the village, it is highly likely that the village school will be under threat. The loss of this school, which has a reputation of delivering high quality education, particularly for children with specific needs, would be a significant loss to the Averham community. Consequently, the provision to support such services within the emerging policy SP3 should be supported and new family housing allowed in the village where it is found to have acceptable impacts in all other respects.”

Although in the past it would have been necessary for the applicant to justify the need for an additional dwelling through a full Housing Needs Survey, additional weight is now being afforded to the emerging Policy SP3 and therefore the written demonstration which evidences what services and facilities the new dwelling would support, in this case the local primary school, in both Averham and/or in surrounding villages as well as showing how it would reflect the local housing need in terms of tenure and house type is sufficient to satisfy the ‘Need’ criteria.

No specific housing needs survey has been advanced as part of this application. However the Newark and Sherwood Housing Needs Survey (Sub Area Report) 2014 by DCA looks at the district’s housing needs in a general sense. Within the Newark Sub Area (within which Averham falls) the majority of housing need (40.2%) in the market sector is for three bedroom dwellings followed closely by two bedroom dwellings (33.7%). As such I consider that the proposal for a 2 bedroom dwelling could be said to meet the housing need within the sub area. I also consider that the proposed dwelling is likely to support community services and facilities within the village including the church, primary school, theatre and the local bus services. Therefore whilst the proposal does not demonstrate a proven local need specific to Averham as required by the current SP3 policy, I do give some weight to the direction of travel in that the emerging SP3 policy places a lesser burden on applicants to prove need.

As such in conclusion I consider the proposed dwelling would support the local community services and facilities including the primary school, church and the local bus services. I am therefore satisfied in this instance that the proposal accords with the need element of policy SP3 when attaching weight to the emerging Spatial Policy 3.

Scale and Impact of Development

The guidance note to accompany SP3 referred to above confirms that the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section of the appraisal. One additional dwelling is considered small scale

in numerical terms and as such is unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems. I also consider that one additional dwelling is unlikely to materially affect the transport network in terms of increased traffic levels in volume (this is discussed further in the Highway Safety section of this report). This is in line with the Inspector's previous decision for the site to the east. Given the size of Averham and the fact the proposal relates to a single dwelling the proposal is considered small scale and therefore appropriate for this settlement.

The visual impact of the development is discussed further below. However, for the reasons set out below it is considered the impact of the proposal on neighbouring properties is acceptable, the scheme is visually acceptable and adequate access could be provided.

Impact upon Character

The character criterion of SP3 states that new development should not have a detrimental impact on the character of the location or its landscaped setting. The assessment overlaps with the consideration required by Policy DM5 which confirms the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing. The site's location within the Averham conservation area is also important to consider under Core Policy 14 and Policy DM9, as well as Section 72 of the 1990 Act, and the Council's conservation team have been consulted in this regard.

Additionally, paragraphs 185 and 192 of the NPPF seek to promote local distinctiveness and ensure that the overall scale, density and massing (amongst others) relate to neighbouring building and the local area more generally.

Given the site lies within the Averham conservation area comments have been submitted by the Council's conservation officer (for comments in full see above), initially these were submitted in objection to the proposal which sought to erect a larger 3 bedroom dwelling forward of the principal elevation of Wood View. This has been since revised in line with discussions with the Conservation Officer and is now a modest 1 and a half storey cottage style dwelling, gable to the road, with a cat-slide style addition at ground floor and an eaves dormer. The conservation officer has worked with the applicant to come up with an acceptable solution which sees the dwelling set back within the plot so that it does not exceed the main body of the adjacent property and is modest scale at 2 bedrooms.

The proposal amounts to the removal of a detached single storey garage which is a modern C20 construction, while the property currently in situ at Wood View is to remain. The new dwelling would be located to western plot of Wood View with its frontage facing The Close.

At present, the row of modern C20 houses make a neutral contribution to the character of the conservation area and are spaced out as detached properties at regular intervals. It is noted that the new dwelling would be immediately adjacent to Wood View, which Conservation initially considered may impact on the uniform alignment of dwellings along The Close.

Similarly to the Conservation Officer's concerns on this application and within the pre-application, the previous appeal decisions at the site to the east must also be given some weight. Historically, the Council's Conservation Officers have raised concerns that the large plots here contribute attractive greenery and openness to the character and appearance of Averham, and that over intensification of development here, and interruption of the uniform alignment of dwellings would harm these positive elements.

The most relevant application is 12/00705/FUL in which a revised and relatively narrow new house was proposed next to 'Little Hollies' was refused by the LPA on the grounds of local need and impact on the Conservation Area. Subsequently, at appeal, the Inspector considered that while some plot sizes on The Close are large, others are smaller and the buildings to the west of the application site (Little Hollies) actually occupy most of the width of their plot. The Inspector noted that, *'The ... proposal would be about 5.5 metres from both Little Hollies and Sycamore House. This is within the range of separation distances between buildings on the next four plots to the west and could be preserved by a condition. In such circumstances this appeal proposal would not be out of character with the development immediately to its west.'* As such, while the layout plan shows that the resulting grouping of houses would be closer than some of the houses on The Close, it has already been established that this spacing between properties here is varied and the resulting density would not be out of character with those buildings to the west.

Within the revised plans the applicant has considered the comments of the planning and conservation officers in the design of the proposed dwelling which now ensures that the proposal would respect and complement the character and appearance of the Averham Conservation Area. The dwelling has been set back within the plot so that it is in line with the main body of the adjacent dwelling, Wood View, which now respects the character of this property. Similarly the size of the new dwelling has been revised significantly to remedy previous concerns.

The Conservation Officer has advised that they are satisfied that the revised details address their concerns. Subject to appropriate conditions such as all aspects of the construction and detailing/facing materials, with timber joinery and the chimney retained and the restriction of Permitted Development rights for alterations to the roof (notably solar panels). The use of traditional detailing in the proposed design and proportions will result in a dwelling that will assimilate within the area without having an unacceptable impact on the character of the area.

It is considered necessary to attach conditions in line with the Conservation Officer's comments in addition to landscaping details and boundary treatment to ensure that the detailed finish of the dwelling is of high quality.

The new dwelling would not stand out in townscape terms, noting that the height is modest to respect the relationship with the surrounding dwellings and has been positioned maintaining the build line of the surrounding properties. The proposal also incorporates the removal of the single storey detached garage which is not considered to contribute positively to the area. Given the dwellings revised design the proposal is not considered to unduly impact the character and appearance of the area.

The design of the proposed new house is acceptable in scale and form. It also includes some sympathetic architectural detailing and materials. As a result, this house is considered to be acceptable and can be absorbed into the grain of development along The Close, preserving the character and appearance of the conservation area.

Having regard to Policies DM5, DM9 and CP14 and the NPPF it is considered the proposed dwellings would be visually acceptable at this location in terms of the pattern of development and the visual appearance of the dwellings is also acceptable.

Neighbour 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. An assessment of amenity impact also relates to both the existing neighbouring occupiers and the occupiers of the proposed dwellings in terms of the amenity provision.

The properties most likely to be impacted by the development are Pinfold Cottage and Wood View; consideration has therefore been given to the impact of the development upon these properties, including the siting of the building and the location of windows to limit any overshadowing, overlooking or overbearing impacts.

The dwelling is proposed to be set back approx. 15.5 m within its plot from the boundary to the highway in line with the main body of the neighbouring dwelling 'Wood View'. It is proposed to be positioned approx. 4 m from the SW rear boundary, 1.5 m from the western side boundary and 0.7 m from the eastern common boundary with Wood View. A separation distance of 1.7 m between elevations (side to side) is proposed between the dwelling and Wood View to the east and 9 m between the middle of the rear elevation and middle of the closest GF window of Pinfold Cottage to the SW.

On the principal elevation (NE) one window and front door with side light proposed at ground floor with one window on the projecting gable at first floor – all windows on this elevation are not considered to result in an unacceptable impact through overlooking given the A617 lies to the NE of the proposed dwelling. Similarly, given the alignment of the property with Wood View the windows in the front elevation are not considered to result in overlooking to this dwelling.

On the western side elevation one dormer window is proposed that is set at eaves level. This window will overlook into the private driveway of Pinfold Cottage which is set further south within its plot. Given this relationship I am satisfied that there would not be an issue of overlooking as a result of this window.

The relationships I consider to warrant the most concern are to the eastern side and the rear. No windows are proposed at first floor on the rear elevation, however one set of patio doors are proposed at ground floor along with a rear entrance door.

On the eastern side, facing towards Wood View two windows are proposed at ground floor serving the kitchen and downstairs W.C. and two rooflights are proposed within the roofslope.

The dwelling has been positioned within its plot so as to satisfy the character impact assessment and as such I acknowledge that the relationship between the dwellings as proposed is close. The separation distances between the new dwelling and the property to the east, Wood View would be 1.7 m. I note that the part of the neighbouring dwelling that is closest to the proposed new dwelling is single storey and flat rooved; however there are three windows that are present in the western facing elevation – on the two storey portion of the dwelling there is one window in this elevation that appears to serve a bathroom. Two of the GF windows are small and obscurely glazed and one, the largest of the three, is a secondary window serving a living room. I am satisfied that, whilst not ideal, given the window that serves the principal habitable room is a secondary window, that there wouldn't be an unacceptable impact through overshadowing, and that, it is the occupiers of this property that are the applicant for the application at hand. In the event of re-sale the future occupiers would be aware of this close relationship prior to purchase and as such, on balance, the impact here is not sufficient to warrant a refusal of this application.

Similarly, with regard to overlooking impact I note that two windows are proposed at ground floor serving the kitchen and downstairs w.c. and two rooflights are proposed within the roof slope – given the fenestration proposed here I do not consider there would be an unacceptable overlooking impact as there would be no direct window to window relationship other than between the obscurely glazed openings.

The other property most likely to be impacted by this new dwelling is Pinfold Cottage to the rear (S). This dwelling is accessed from the west of the application site down a private driveway and the dwelling is set at a perpendicular angle to the application site with its side elevation facing north. The rear garden of Pinfold Cottage therefore lies to the east of the property and directly south of the proposed new dwelling – given this arrangement I am mindful of the impact that the proposed new dwelling would have on the private residential amenity space of Pinfold Cottage and indeed the impact of overlooking/overshadowing/overbearing on main habitable rooms within the neighbouring dwelling. The distance between the proposed rear elevation and the mid-point of the closest window on Pinfold Cottage is 9 m – this room appears to serve a kitchen/dining area. The ridge of the proposed dwelling has been reduced to 6.7 m with eaves height of 3.4 m, given the bulk of the property has been reduced by design and the separation distance I consider the impact through overbearing/overshadowing would be minimal. This is particularly given the positioning of the new dwelling to the NE of the rear elevation and garden of Pinfold Cottage.

No windows are proposed at first floor on the rear elevation, however one set of patio doors are proposed at ground floor along with a rear entrance door. I note that the plans state that the hedgerow that is present along this boundary is to be retained. This hedgerow is approx. 2 m in height and is also bound with an approx. 1.8 m close boarded fence. The boundary treatment here has been conditioned to be confirmed prior to commencement of development in agreement with the applicant as I consider it is important to ensure that a boundary is maintained here to afford a reasonable degree of ground floor screening.

In addition I do not consider that the proposal would significantly impact upon the existing property, Wood View's private amenity area given it will retain approx. 170m² private amenity space. The property would also have a reasonable amount of garden area commensurate to the size of the dwelling at approximately 40 m² to the rear, which whilst small to the rear, I note that c. 80m² of space would exist to the side and front which I feel on balance would overall be sufficient garden area to serve the dwelling.

Taking into account the above considerations it is considered the proposal, on balance, does not conflict with the amenity criteria under Policy DM5.

Highway Matters/Access

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.

NCC Highways have provided their comments on the submitted scheme as set out above in the consultation section. The existing vehicular access onto 'The Close' is proposed to be widened to serve the two dwellings on a 'shared drive' principal, allowing for suitable space for on-site turning and vehicle maneuvering. 2 no. spaces are proposed to be provided for both the new dwelling and 'Wood View'. There are two parking spaces proposed per dwelling which is acceptable to the Highway Authority, and the existing access width is to be increased to accommodate both

dwelling. The highways authority have advised that subject to a condition regarding the widening of the access to 5.25 m and provision of the parking spaces prior to occupation they raise no objection to the proposed new dwelling.

Adequate visibility splays can be achieved from this existing access point and the level of additional traffic generated would be limited. Off street parking and turning can be achieved to an adequate standard within the site given the proposal includes the provision of 2 parking spaces. Subject to appropriate conditions, the proposal would not result in any highway safety impact and accords with Spatial Policy 7 and Policy DM5.

Community Infrastructure Levy

The site is located within Housing Very High Zone 4 of the approved Charging Schedule for the Council's Community Infrastructure Levy. As such residential development in this area is rated at £100m² for CIL purposes. However, Gross Internal floor space of the new dwelling is proposed to be 74.85 m², less the 15.56 m² of the existing garage to be demolished results in a net additional floor space of 59.29 m².

Conclusion

The application has been carefully assessed against Spatial Policy 3 Rural Areas of the Development Plan along with the proposed changes to Policy SP3 as part of the plan review which given its recent examination can be afforded some weight, and the NPPF. The dwelling is considered to be sustainably located, small scale, would not result in negative impacts, including highway safety, subject to conditions, is appropriately designed, scaled and sited so as not to detrimentally impact upon the character and appearance of the area or setting of the CA or visual amenities of the streetscene, and would support existing facilities within the village.

Turning to residential amenity, it has been concluded that this dwelling will not result in an unacceptable impact to neighbouring occupiers through overlooking, overshadowing or overbearing that would be sufficient to warrant a refusal.

A case for local need has not been made as part of this application but in any event this now affords less weight in the planning balance when taking into account the emerging SP3 policy on need where new development is acceptable provided it supports existing facilities within the village and contributes to the overall housing need tenure type and size required within the district.

The principal of development in this location is considered to comply with relevant local and national planning policy and is considered acceptable. I therefore recommend that planning permission be granted subject to appropriate conditions.

RECOMMENDATION:

That full planning permission is approved subject to the following conditions.

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 not be carried out except in complete accordance with the following approved plan references

- Amended Proposed Plans – 566-04A (received 28.9.18)

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.

03

No development shall be commenced until details of the external materials to be used in the construction of the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details.

Reason: In order to preserve or enhance the character and appearance of the conservation area.

04

No development shall be commenced until a brick work sample panel showing brick, bond, mortar mix and pointing technique has been provided on site for inspection and approval has been received in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In order to preserve or enhance the character and appearance of the conservation area.

05

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars

Treatment of window and door heads and cills

Verges and eaves

Extractor vents

Flues

Meter boxes

Soil and vent pipes

Reason: In order to preserve or enhance the character and appearance of the conservation area.

06

All rainwater goods shall black in appearance. Guttering shall be half round in profile and fixed by rise and fall brackets with no fascia board fitted unless otherwise agreed in writing with the local planning authority.

Reason: In order to preserve or enhance the character and appearance of the conservation area.

07

Notwithstanding the above conditions, the pantiles used in the construction of the development hereby permitted shall be of a non-interlocking variety and be non-weathered finish.

Reason: In order to preserve or enhance the character and appearance of the conservation area.

08

Notwithstanding the above conditions, the external windows and doors used in the construction of the development hereby permitted shall be timber and shall be retained for the lifetime of the development unless otherwise agreed in writing within the local planning authority.

Reason: In order to preserve or enhance the character and appearance of the conservation area.

09

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Chimney detail

Reason: In order to preserve or enhance the character and appearance of the conservation area.

10

Prior to any groundworks a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) shall be provided in accordance with a written scheme of investigation and shall be submitted to and approved in writing by the local planning authority.

Reason: To enable heritage assets within the site to be recorded prior to their destruction.

11

No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

12

No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- An implementation and phasing plan;
- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.
- existing hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction.
- means of enclosure;
- car parking materials;
- hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

13

All hard and soft landscape works shall be carried out in accordance with an approved implementation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with any approved phasing programme agreed in writing with the Local Planning Authority as part of condition 12.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

14

No part of the development hereby permitted shall be brought into use until the access has been designed and thereafter completed to a standard that provides a minimum width of 5.25m (4.25m with 1m added as the access will be bounded on each side by hedge) for the first 5m rear of the highway boundary.

Reason: In the interests of highway safety.

15

No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with dwg. no. 566-04A. The parking areas shall not be used for any purpose other than the parking of vehicles.

Reason: To ensure adequate off street parking provision is made to reduce the likelihood of on street parking in the area.

16

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class B: Additions etc. to the roof of a dwellinghouse.

Class C: Any other alteration to the roof of a dwellinghouse.

Unless consent has firstly be granted in the form of a separate planning permission.

Reason: To ensure that any proposed further alterations or extensions are sympathetic to the original design and layout in this sensitive location.

Note to Applicant

01

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

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/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

As part of the considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that the developer's attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of access and facilities for disabled people together with visitable, accessible and adaptable, and wheelchair user dwellings. Occupants requirements can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users' access to, into and around the proposal be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed access to the proposal. Depending upon the site topography and practicality to achieve, step-free access to and into the proposal is important and a suitably surfaced firm obstacle-free level and smooth traffic free accessible route is essential to and into the proposal from facilities such as car parking and from the site boundary. Any loose laid materials such as gravel or similar, can cause difficulty for any wheelchair users, baby buggies or similar and should be avoided. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, all carefully designed to facilitate easy access and manoeuvre on all floors are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the proposal together with suitable accessible WC and sanitary provision etc. It is recommended that the developer make separate enquiry regarding Building Regulation matters.

04

Should any works be required to be carried out within the public highway, they should be constructed to the satisfaction of the Highway Authority. You would, therefore, be required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

Background Papers

Application Case File

For further information, please contact Honor Whitfield on ext. 5827.

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 - 18/01421/FUL

