

## PLANNING COMMITTEE – 4 DECEMBER 2018

<b>Application No:</b>	<b>18/01678/FUL</b>		
<b>Proposal:</b>	<b>Change existing ancillary annexe to individual dwelling use class c3(a). Add two dormer windows and set in own private amenity space with separate access and parking, site access by partial removal of lleylandii hedge (part retrospective - amendment to approved application 17/01793/FUL)</b>		
<b>Location:</b>	<b>The Old Maltings, Main Street, Fiskerton, Nottinghamshire, NG25 0UL</b>		
<b>Applicant:</b>	<b>Mr G Ferriman</b>		
<b>Registered:</b>	<b>19 September 2018</b>	<b>Target Date: 14 November 2018</b>	
	<b>Extension of time agreed: Agreed in Principle</b>		

**The application is reported to Committee as the view of Fiskerton-cum-Morton Parish Council is contrary to the Officer recommendation.**

### The Site

The site is located within the village of Fiskerton and within the Conservation Area for the village. The site is set back from the main highway and is accessed by a private driveway which runs between Trent Lodge and Trent Court. Neighbouring dwellings lie to the north, south and west with the River Trent to the East.

The site comprises a modern detached dwelling with detached two-storey annexe in the south west corner of the site. The annexe was originally granted planning permission in 1997 and is constructed of red brick and pantile and shares its curtilage with the main dwelling. The annexe was constructed with rooflights installed in the south east elevation overlooking the garden area with parking available to the front of the building.

### Relevant Planning History

**18/00940/FUL** - Application to vary condition 02 of planning permission 17/01793/FUL to allow removal of all of North West boundary Leylandii hedge and replace with 1800mm high close boarded fence, alterations to dormer windows on south east elevation, replace window with French door on south east elevation (permitted 31.07.2018)

**17/01793/FUL** - Change existing ancillary annexe to individual dwelling (Use Class C3 (a)) with private amenity space, separate access and parking including removal of part of leylandii hedge. Addition of 2 No. dormer windows (permitted 08.12.2017)

**97/50797/FUL** - Annex to provide ancillary accommodation to main dwelling (permitted

01.12.1997)

**39891514** - Dining room extension (permitted 09.01.1990)

**39890624** - Erection of shed/summer house (permitted 21.07.1989)

**39890001** - Erect conservatory (permitted 13.04.1989)

**39880109** - First floor conservatory extension (permitted 21.03.1988)

**39801232** - House and garage (permitted 10.12.1980)

**3977940** - Two detached dwellings (refused 09.01.1979)

### The Proposal

The proposals is a re-submission of the previously approved application Ref. 17/01983/FUL for the use of the building as an independent dwelling and associated alterations.

The alterations to the annexe building have already been carried at the site although not fully in accordance approved scheme. Furthermore, the use of the building as an independent dwelling has not yet commenced and as such, the previously approved scheme has not yet been lawfully implemented. Therefore this application seeks planning permission to regularise the alterations to the annex building which have been carried out at the site and are not in accordance with the approved scheme as well as the use of the building as an independent dwelling.

The alterations to the annex building which are different to the approved scheme under application 17/01793/FUL are as follows;

1. A change to the design of the dormer windows on the SE elevation from 3-pane windows to 2-pane and position within the roof slope of the dormer set 0.4m higher in the roof slope. Each window is also 0.2m greater in height and 0.2m greater in depth each window would be reduced by 0.8m in width.
2. An increase in the size of the curtilage afforded to the proposed dwelling to extend to the riverside SE of the site. The approved application provided a much smaller garden area (80m<sup>2</sup>) with the remainder of the garden afforded to The Old Maltings. The area of the garden area associated with the annexe is now proposed to be approximately 275m<sup>2</sup> and separated from The Old Maltings by a 1.8m close boarded fence.
3. The proposed fencing within the driveway to separate the two dwellings is proposed to be increased from 1.5m to 1.8m with a larger opening (without fencing or vegetation) at the entrance to improve visibility

4. The existing door opening on SW elevation is now proposed to be a window serving the hallway.

### Submitted Documents

The following documents accompany the application:

- Site Location Plan – 621/Location
- Proposed Elevations, Floors & Site Plans – (08)10
- Existing Elevations, Floors & Site Plans – (08)11
- Landscaping Scheme – (08)12
- Design and Access Statement

### Departure/Public Advertisement Procedure

Occupiers of 9 properties have been individually notified by letter. A site notice has also been posted close to the site and an advert placed in the local press.

### Relevant Planning Policies

#### **The Development Plan**

*Newark and Sherwood Core Strategy Adopted March 2011*

Policies relevant to this application:

Spatial Policy 1: Settlement hierarchy  
Spatial Policy 2: Spatial distribution of growth  
Spatial Policy 3: Rural Areas  
Spatial Policy 6: Infrastructure for Growth  
Spatial Policy 7: Sustainable transport  
Core Policy 9: Sustainable design  
Core Policy 10: Climate Change  
Core Policy 12: Biodiversity and Green Infrastructure  
Core Policy 14: Historic Environment

*Allocations and Development Management DPD Adopted July 2013*

Policies relevant to this application:

DM1: Development within settlements central to delivering the spatial strategy  
DM5: Design  
DM9: Protecting and Enhancing the Historic Environment  
DM12: Presumption in Favour of Sustainable Development

## **Other Material Considerations**

*National Planning Policy Framework 2018*

*Planning Practice Guidance 2014*

*Section 72 of the Planning Act 1990*

### Consultations

**Fiskerton Parish Council** – Object to the proposal due to concern regarding the following:

- Height
- Inappropriate materials
- Effect on amenities as it is within the conservation area
- Loss of privacy for neighbouring property

**NSDC Conservation Officer** – *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, 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. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7).*

*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)

*The Old Maltings is located in the Fiskerton Conservation Area, first designated in 2002. The host dwelling and the ancillary building in question are located on a historic site, where the 1885 OS Map identifies Malt Houses that have since been replaced by modern development that makes a negative contribution to the character of the Conservation Area. The host dwelling is a modern C20 house in stretcher bond and the ancillary building that forms part of this application corresponds to this modern style.*

### Assessment of proposal

*Conservation was consulted on a previous application at this site under 17/01793/FUL in which it stated:*

*'Conservation does not object to the proposal. The creation of a separate dwelling in this location will intensify the level of occupation in this area of the Conservation Area, but it is not considered to cause sufficient negative harm to warrant an objection. The inclusion of dormer windows will furthermore add a domestic character the outbuilding, but there are no identified heritage assets in close proximity. The new dormer windows will not be unduly prominent in the Conservation Area and as such are acceptable.'*

*It is noted that the revised scheme is not significantly altered from the previous submission, and as such Conservation does not object to the amendments. Among the most substantial changes is the removal of the lleylandii hedge and its replacement with a close boarded fence as a means of subdividing the space. The close boarded fence will now act as the boundary treatment, although this is not considered to negatively impact on the character of the conservation area, or screen any heritage assets which would result in harm.*

*In this context, the proposal is not considered to cause harm to the character of the conservation area. The proposal therefore is in accordance with the objective of preservation set out under sections 72, part II of the 1990 Listed Building and Conservation Areas Act, and complies with heritage policies and advice contained within the Council's LDF DPDs and section 12 of the NPPF.*

**Trent Valley Internal Drainage Board** – *The site is within the Trent Valley Internal Drainage Board District.*

*There are no Board maintained watercourses in close proximity to the site.*

*Surface water run-off rates to receiving watercourses must not be increased as a result of the development.*

*The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.*

*If you require any further information please do not hesitate to contact the Board's Operation's Manager, Mat Everett.*

**In addition to the above, 1 letter of representation have been received from a third party raising the following concerns,**

- The revised height of the dormer and associated windows would affect the privacy afforded to adjacent dwellings
- Window frames are now white rather than the rosewood colour originally on the building
- First floor window on the SW elevation can be opened and overlooks the neighbouring property
- The door on the SW elevation is not obscurely glazed but would wish for it to be
- 5 spaces are attributed to the dwelling suggesting there would be 5 adults living in a small 2-bedroom dwelling.

### Comments of the Business Manager

#### Principle of Development

Firstly, it is considered prudent to highlight the strong fall-back position in this situation whereby the use of the annex building as an independent dwelling at the site can still be lawfully implement by carrying out the development at the site fully in accordance with the previously approved scheme under application 17/01793/FUL.

Thus instead of re-assessing the principle of the conversion of the annex building to an independent dwelling within this application, it is considered appropriate in this instance to refer back to the overall conclusion made by the officer on this matter which is as follow;

*'The application has been assessed against Spatial Policy 3 (Rural Areas) of the Development Plan along with the NPPF. SP3 supports new dwellings in rural areas subject to satisfying 5 criteria namely, location, scale, need, impact and character.*

*With regards to location, although the site is considered to be within the main built up part of Fiskerton which is considered to provide adequate facilities for residents and reasonable public transport connections to facilities in nearby larger settlements. As such the proposal is considered to fit the locational criterion of this policy.*

*This application relates to a new dwelling and is considered to be small scale development and appropriate for the overall settlement of Fiskerton. It is not considered that the proposal would have an adverse impact in terms of excessive car borne traffic, upon local infrastructure or have such an adverse impact on residential neighbours that this would warrant a reason for refusal.*

*No proven local need has been demonstrated as part of this application, however the LPA are aware of a housing needs assessment which identifies a local preference for 1-3 bed dwellings within the settlement across the villages of Fiskerton and Morton.*

*In terms of design, the building is already in situ and the application does not propose major alterations to the appearance of the building, which is already domestic in character. The*

*building would remain subservient to The Old Maltings and would not result in the overdevelopment of the plot with the sub-division of the site to form a new residential curtilage. Furthermore, the internal Conservation Officer and Highway Authority have raised no objection to the scheme.*

*The proposal is therefore considered to be acceptable in terms of Spatial Policy 3 and Core Policy 14 of the Core Strategy as well as Policy DM9 of the DPD. As such, the application is recommended for approval, subject to conditions.'*

It is considered that there are no material changes in circumstances at the application site or major shifts in terms of policy guidance which would give rise to a different opinion from officers on the principle of the use of the annex building as an independent residential dwelling at the site. As such it is considered that this element of the proposal remains acceptable and the remainder of this assessment will focus on the alterations to the annex building which differ from the approved scheme.

#### *Impact on Character/Visual Amenities*

Policy DM5 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. 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. Furthermore the NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

Additionally, as the site lies within the Fiskerton Conservation Area, Policy DM9 of the DPD and Core Policy 14 of the Core Strategy, along with Section 12 of the NPPF are also relevant and seek to, at a minimum, preserve the character and appearance of the historic environment.

The building is of modern construction and of no architectural merit. The design of the building has already been established by its original approval in 1997 and the 2017 and 2018 planning permissions for conversion and therefore it would not be appropriate to comment on the building's existing design as part of this application.

The two previous planning permissions have accepted the creation of dormer windows on the SE elevation in part because they would be similar in appearance to The Old Maltings. The dormer windows now proposed would retain this appearance, albeit located higher within the roof slope. Furthermore, the window frames are to be changed from brown to white which whilst appearing visually different would not in my view be detrimental to the overall appearance of the building, particularly given its modern design. Similarly, the minor changes to openings in the building would not be detrimental to the overall character of the area.

In terms of the changes to the curtilage, the new boundary line would follow the natural division between the annexe and The Old Maltings and thus would not create any complicated division of

the plot that could raise an issue from a design perspective. The use of close board fencing as a boundary treatment has already been accepted by the previous applications and I have no reason to depart from this previous assessment.

Given the location of the site within the conservation area comments from the Conservation Officer have been sought and are available in full above. In this instance the Conservation Officer has raised no objection to the scheme and the proposal in my view would have a neutral impact upon the character and appearance of the conservation area. Furthermore, the proposed dormer windows would sit subservient to the building and would not be overly prominent within the public realm, although I note that they would be visible from the footpath running adjacent to the River Trent.

It is therefore considered that proposed development would not result in any undue impact upon the visual character or amenity of the immediate street-scene or the wider area. Overall, the dwellings are considered to reflect the character of surrounding built form. In this respect the proposal is therefore considered to meet the relevant points in respect to visual and character impacts in accordance with Spatial Policy 3, Core Policy 9 and 14 of the Core Strategy and Policy DM5 and DM9 of the Development Management DPD.

#### Impact on Residential Amenity

Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. Furthermore, the NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings

As part of the assessment I must take in to account the existing residential use of the building which already provides the level of accommodation proposed for the building's use as a separate dwelling.

I note the comments received relating to the impact of the development upon the privacy of neighbouring properties, although two of the issues raised relate to existing openings that are already established as part of the existing residential use of the annexe. The openings already in situ are located on the SW elevation; the first floor window is currently obscurely glazed, although openings. I appreciate that when open the window could provide additional potential to overlook the neighbouring property (a conservatory abuts the site boundary, with a 2m (approx.) high blank wall with glazing above facing on to the site and a glazed roof) however this window would be located adjacent to the stairwell and thus visibility it likely to be limited; officers have been inside the building to observe the view from this window and have advised the outlook is restricted. With regards to the proposed ground floor window, I am mindful that this would not be obscurely glazed however this would look out on to a blank brick wall and high level glazing of the neighbouring conservatory and thus would not have any greater overlooking impact upon neighbouring amenity in terms of overlooking over the previous situation with a glazed door in



this opening. I therefore do not consider it appropriate to condition this window to be obscurely glazed.

Turning to the dormer windows, it is noted that the height these would sit within the roof slope is increased by 0.4m, however they would remain lower than the ridge height and would be reduced in width. Having seen the photographs from the neighbouring property, I accept that the top of the dormer windows are visible from within the garden although when viewed from the annexe (as the dormer openings were made prior to the submission of this application and thus officers have been able to assess the visibility from the windows whilst on site) visibility in to the neighbour's garden is restricted owing to existing vegetation along the boundary as well as a 5m high brick wall. On this basis, I would not consider the potential visibility to be so detrimental to the neighbour's amenity that it would place me in a position to recommend refusal of the application to Members.

Additionally, I accept that part of the hedgerow would be removed along the NW boundary of the site to provide a new entrance to the site, however I would not expect this removal to have an adverse impact upon neighbouring properties as visibility would be from the existing dwelling (The Old Maltings) which is set back from the boundary and is separated from the neighbouring property to the NW by the shared driveway, providing a separation distance of approximately 22m between The Old Maltings and the boundary with Trent Court. This has also already been assessed as part of the previous planning applications.

In terms of noise and light disturbance, I am again mindful that the proposal would increase the intensity of the use of the building from the residential annexe use the building currently has planning permission for. This increased use may result in some increase in noise and light pollution for neighbouring properties however I would not expect 1 residential unit to have such a detrimental impact that could justify a reason for refusal in this instance, particularly given the residential nature of the surrounding area.

On the basis of the above, I am of the view that the proposal is unlikely to have a detrimental impact upon the amenities of surrounding land uses.

#### Impact on Highway Safety

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

The proposal has not altered the vehicle access or parking provision as part of this application and therefore I take reference from the previous Officer's report:

*The Highway Authority raises no objection to the proposal from a highway safety point of view. I note that the number of parking spaces within the site will remain the same, albeit split between*

*the two dwellings; the number afforded to each dwelling (2no. for the annexe and 5no. for The Old Maltings) is in line with the usual guidelines.*

*The application proposes the creation of a new access for the new dwelling off the existing private driveway. I am mindful that the layout of the site would require vehicles to reverse out of the site and onto the shared driveway, however there is sufficient turning area within this driveway to enable vehicles to enter/leave the public highway in forward gear. On this basis, I am therefore satisfied that the proposed scheme would not result in highway issues sufficient to justify refusal on these grounds. The proposal is therefore considered to accord with Policy SP7 and DM5.*

I concur with this assessment and consider it to remain relevant to the currently planning application. Thus, I do not consider the proposal would have any adverse impact upon highway safety.

### Other Matters

As the use of the annex building as an independent dwelling has not yet been implemented and the retrospective element of this application relates only to the physical alterations to building, the standard time limit condition is considered appropriate to any grant of planning permission. The conditions relating to permitted development rights and the retention of obscure glazing to the first floor SW elevation (condition 5 of the previous permission – 18/00940/FUL), along with a condition detailing the plans remain relevant to ensure the development is acceptable for its lifetime are still also considered appropriate and are recommended to be re-imposed should planning permission be granted.

### Conclusion and planning balance

Having considered the strong fall-back position at the site, in which the extant permission under application 17/01793/FUL for the use of the building as an independent dwelling could be lawfully carried out, and that there are no material changes at the site or major shifts in policy guidance since the granting of this permission, it is considered that the use of the building as a residential dwelling remains acceptable.

In terms of the alterations to the annex building sought within this application, it is considered that these do not result in any material impact on the residential amenity of neighbouring properties or have any adverse impact on highway safety at the site. The alterations are also considered to not result in any harm to the character and appearance of the site or wider conservation area. In light of the above, it is considered that the proposal would accord with the aims of SP3, SP7 and CP14 of the Core Strategy and Policies DM5 and DM9 of the Allocations and Development Management DPD as well as being consistent with Section 72 of the Planning Act 1990. Accordingly it is recommended that planning permission granted.

## **Recommendation**

**That full planning permission is approved, subject to the following conditions;**

01

The use 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:

- Site Location Plan – 621/Location
- Proposed Elevations, Floors & Site Plans – (08)10
- Landscaping Scheme – (08)12

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

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 to the annexe under Schedule 2, Part 1 of the Order in respect of:

- Class A: Enlargement, improvement or other alteration of a dwellinghouse.
- Class B: Additions etc. to the roof of a dwellinghouse.
- Class C: Any other alteration to the roof of a dwellinghouse.
- Class D: Porches
- Class E: Buildings etc incidental to the enjoyment of a dwellinghouse.
- Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse.
- Class G: Chimney, flues etc on a dwellinghouse.
- Class H: Microwave antenna on a dwellinghouse.

Or Schedule 2, Part 2:

- Class A: gates, fences walls etc.
- Class B: Means of access to a highway.
- Class C: Exterior painting.

Or Schedule 2, Part 14 of the Order in respect of:

- Class A: Installation or alteration etc of solar equipment on domestic premises.
- Class B: Installation or alteration etc of standalone solar on domestic premises.
- Class C: Installation or alteration etc of ground source heat pumps on domestic premises.
- Class D: Installation or alteration etc of water source heat pump on domestic premises.
- Class E: Installation or alteration etc of flue for biomass heating system on domestic premises.
- Class F: Installation or alteration etc of flue for combined heat and power on domestic premises.
- Class G: Installation or alteration etc of air source heat pumps on domestic premises.
- Class H: Installation or alteration etc of wind turbine on domestic premises
- Class I: Installation or alteration etc of stand-alone wind turbine on domestic premises

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

Reason: To ensure that any proposed further alterations or extensions can be controlled by the local planning authority in the interests of the amenities of the occupiers of neighbouring properties and in order to preserve the character and appearance of the conservation area.

04

The first floor window opening on the south-west elevation shall be retained as an obscured glazed opening for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties.

#### Notes to Applicant

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date.

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

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).

**BACKGROUND PAPERS**

Application case file.

For further information, please contact Nicolla Ellis on Ext 5833.

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 - 18/01678/FUL

