

## PLANNING COMMITTEE – 4 DECEMBER 2018

<b>Application No:</b>	<b>18/01357/FUL</b>
<b>Proposal:</b>	<b>Householder application for two-storey extension to side of existing dwelling and the formation of a new vehicle/pedestrian access along Main Street with the hardsurfacing of the forecourt</b>
<b>Location:</b>	<b>Acacia Villas, 7 Main Street, Gunthorpe, Nottinghamshire, NG14 7EY</b>
<b>Applicant:</b>	<b>Mr &amp; Mrs Haynes</b>
<b>Registered:</b>	<b>4<sup>th</sup> September 2018</b> <b>Target Date: 30<sup>th</sup> October 2018</b> <b>Extension of time agreed: 5<sup>th</sup> December 2018</b>

The application is reported to Committee at the request of the local Ward Member (Cllr Jackson) for the following reasons:

- The extension would improve the look of the existing property and also enhance the surrounding area and;
- Any overlooking issues could be resolved through relocating windows or obscure glazing.

### The Site

The application site comprises a two-storey detached dwelling located within the main built up part of the village. The dwelling is set within an area of mixed dwelling types, sizes and designs and benefits from a large side garden and a smaller rear garden. Off-street parking is available within the site. A detached single garage is sited to the rear.

The site is bounded by residential dwellings to the north, west and south of the site with the highway to the east. The boundaries with the surrounding dwellings are treated with fencing approximately 2m in height with the highway remaining open adjacent to a low brick wall.

The site lies within Flood Zones 2 and 3 of the Environment Agency's Flood Risk Maps.

### Relevant Planning History

No planning history.

### The Proposal

The application seeks consent for the erection of a two-storey extension to the northern side elevation which would include a double-pile extension forward (eastwards) of the existing side element to the dwelling which steps down. The extension would measure 8.6m in width, 7.2m in

length and between 8.1m and 7.4m in ridge height. An internal chimney stack is proposed to the northern elevation of the extension.

In addition to the above the application also proposes an extension which would sit forward of the existing main extension and forward of the principal elevation of the host dwelling. This extension would create a glazed gable feature and measure 1.5m in depth, 2.8m in width and 7.8m in ridge height. It is proposed that the extensions would be rendered with a slate roof.

The application also seeks to create a new access to the site from the highway along with new hardstanding in the driveway. Two meter high fencing is also proposed to the side of the dwelling with gates to provide a boat store.

### Submitted Documents

The following plans and documents accompany the application:

- Site Location Plan – 18/005-LOCN
- Proposed Site Plan (received 25<sup>th</sup> October 2018)
- Proposed Extensions and Alterations – 18/005-P01
- Flood Risk Assessment (received 4<sup>th</sup> September 2018)

### Departure/Public Advertisement Procedure

Occupiers of 5 properties have been individually notified by letter.

### Relevant Planning Policies

#### **The Development Plan**

*Newark and Sherwood Core Strategy Adopted March 2011*

Policies relevant to this application:

- Core Policy 9: Sustainable design

*Allocations and Development Management DPD Adopted July 2013*

Policies relevant to this application:

- Policy DM5: Design
- Policy DM6: Householder Development

#### **Other Material Considerations**

*National Planning Policy Framework 2018*

*Planning Practice Guidance 2014*

*Householder Development SPD 2014*

## Consultations

**Gunthorpe Parish Council** – No comments received

**Trent Valley Internal Drainage Board** – *The site is outside of the Trent Valley Internal Drainage Board District but within the Board's catchment.*

*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.*

**Lead Local Flood Authority** – *Thank you for inviting the Lead Local Flood Authority (LLFA) to comment on the above application. Having considered the application the LLFA will not be making comments on it in relation to flood risk as it falls outside of the guidance set out by Government for those applications that do require a response from the LLFA.*

*As a general guide the following points are recommended for all developments:*

- 1. The development should not increase flood risk to existing properties or put the development at risk of flooding.*
- 2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.*
- 3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.*
- 4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (e.g. culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.*

**A letter of representation has been received raising the following points,**

- The property overlooks neighbouring properties and the addition of a further 3 upstairs windows could have an impact upon the surrounding properties;
- The distance from the western boundary line to the rear elevation of the new extension on the site plan scale 1/200 shows 10.75m. Is this correct, as it looks like it could be an over-estimation of the distance?

## Comments of the Business Manager

### *Principle of Development*

Policy DM6 accepts householder development subject to an assessment of numerous factors including that the proposal respects the character of the dwelling and surrounding area, as well as protects the amenity of neighbouring residents.

### *Impact upon Character of Area*

Core Policy 9 and Policy DM5 of the DPD require new development to 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

The proposed extension is of a considerable scale and would substantially alter the appearance of the dwelling within the street scene. However given that Main Street comprises various different house types, I am of the view that proposed extensions would not have an adverse impact upon the character of the area and would not unbalance the street scene. Further to this, the large side garden is considered capable of accommodating extensions of this scale without resulting in the overdevelopment of the plot.

In terms of the impact upon the house itself, I am mindful that the footprint of the proposed side extension is only 1.2m narrower in width than the existing footprint of host dwelling. However I am of the view that as the ridge lines of the proposed extension would be stepped down, this element of proposed development would result in a subservient addition to the dwelling that would be read as an extension and help break up the mass of the building, which is supported by Policy DM6 of the DPD. The proposed glazed gable extension would also break up the massing on the principal elevation.

The proposed new access from Main Street in to the site would not, in my view, be detrimental to the character of the area as there are many dropped kerbs and entrances along Main Street. I am less comfortable with the proposed close boarded fence and gates to create the boat store, however I am mindful that this part of the development could be considered under permitted development and therefore I would not consider it reasonable for the LPA to object to this element of the proposal.

Given the above, I consider the proposal to be acceptable in design terms in accordance with the NPPF and Policies DM5 and DM6 of the DPD.

### *Impact upon Residential Amenity*

Policy DM6 of the DPD states planning permission will be granted for the extension of dwellings provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy, light and overbearing impact.

The site is bounded by dwellings on its northern and western boundaries, both of which would overlook the proposed extensions. The closest neighbour lies to the north, 5 Main Street, whose side elevation overlooks the site. There are 2no. windows on the side elevation of this neighbouring property, which based upon the layout of other properties adjacent, appear to serve the bathroom. This side elevation would be located 3.5m from the proposed extension. Whilst the windows are obscurely glazed, I would consider the proposal likely to have an impact in terms of overshadowing and although there is limited outlook from these windows, there would be an element of overbearing; I would ordinarily therefore look for this extension to be reduced to allow for a greater distance between the properties. However the applicants have been made aware of the issues but no changes have been forthcoming. Windows on this northern elevation are proposed to serve en-suite bathrooms and therefore should Members be minded to approve the application, I would recommend that these windows are conditioned to be obscurely glazed for the lifetime of the development to protect the privacy of the neighbouring property.

In terms of the other adjacent property, 2 Hobson's Acre, this dwelling sits perpendicular to Acacia Villas and is located approximately 9m from the rear corner of Acacia Villas, although on site the dwellings appear visually much closer owing to the angles at which the dwellings are set. Having viewed the site from the first floor windows of this neighbouring property, I am concerned that the proposal would have a significant overbearing impact upon this neighbour by way of a 'penned-in' feeling due to the existing layout of development within the vicinity. I appreciate that this is not the fault of the owners of Acacia Villas and that 2 Hobson's Acre has been closed in by development for a considerable length of time, however this does not mean that further two-storey development is acceptable where it would further exacerbate the issue. Members should also note that whilst the site plan submitted with the application states there would be a distance of 13.75m between the boundary and the proposed extension, using the maps available to the LPA, this distance is actually around 11m, with the rear corner of 2 Hobson's Acre lying approximately 10.3m from the northern end of the proposed extension.

Notwithstanding the issues relating to overbearing and overshadowing issues above, 3 additional windows are proposed on the western elevation, 2 of which would serve a bedroom and 1 serving a bathroom. These windows would offer significant visibility in to 2 Hobson's Acre and likewise the existing windows serving this neighbour would have clear visibility into the proposed windows on Acacia Villas. I accept that the bathroom window could be obscurely glazed however I do not consider it reasonable for the bedroom windows to be obscurely glazed and development should be designed so as to avoid this. Whilst the current owners could be agreeable to this, it is unlikely that future occupiers would wish for the windows to be obscurely glazed and it is the LPA's role to ensure that the development is suitable for future occupiers of the site as well as the current occupiers. Given the room layout of Acacia Villas and the layout of the site, it is not possible to place clear windows on any other elevation to serve this bedroom. Relocating the window to the

northern elevation would result in unacceptable overlooking upon 5 Main Street for the reasons highlighted in earlier paragraphs.

Given the assessment above, I am of the view that the proposal would be detrimental to amenities of the neighbouring properties and therefore would be contrary to Policy DM6 of the DPD.

#### *Impact upon Flood Risk*

The site lies within flood zones 2 and 3 of the Environment Agency Flood Maps. Core Policy 9 expects development proposal to pro-actively manage surface water. Core Policy 10 requires new development to minimize its potential adverse impacts including the need to reduce the causes and impacts of climate change and flood risk.

The applicant has provided a statement to confirm the following flood risk measures would be undertaken as part of the development,

- Flood boards or similar to prevent flood water entering the building
- Raise electrical sockets at least 400mm above ground floor level
- Raise fixed electrical appliances at least 400mm above ground floor level
- Flood resilient materials used within 1m of ground floor level.

The applicant has also stated that the proposed extension floor level would reference the adjacent dwelling (5 Main Street) rather than the host dwelling as this is of more recent construction; the floor levels of the host property are significantly higher and would not enable a split floor design that is proposed. Whilst it would be preferred that the floor levels match the host dwelling, I accept that the floor levels of the neighbouring dwelling in this instance is acceptable given that this dwelling was constructed c.1995 when flood risk would have been taken in to account.

Overall, the proposed development would not result in any material increased risk of flooding in accordance with Core Policy 10 and Policy DM5 of the DPD.

#### *Impact upon Highway Safety*

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access and appropriate parking provision.

The provision of a dropped kerb in the location proposed would not require planning permission in its own right as Main Street is not a classified road. However it should be noted by the applicant that the works should be carried out to the specifications of NCC Highways. The proposed hardstanding is proposed to be bound gravel of an area greater than 5m<sup>2</sup> forward of the principal elevation. This would require planning permission if the drainage is not to a permeable/porous surface within the site. At this stage no details of that have been submitted and the applicant is aware that this would therefore need to be conditioned for the details to be agreed by the LPA in

the event of an approval. Subject to appropriate drainage, I consider these proposals to be acceptable from a highway perspective.

### Planning Balance and Conclusion

The proposal is for the erection of a two-storey front and side extensions to the dwelling, along with a new access to the site, hardstanding and a boat store.

In terms of its design, it is concluded that the development proposal, whilst quite substantial in scale in comparison with the existing dwelling, is unlikely to have an adverse impact upon the appearance of the host dwelling or the wider character of the area. Impact upon highway safety and flood risk are also considered to be acceptable.

Notwithstanding the above, the proposal is considered likely to have a significant adverse impact upon the amenities of the surrounding properties in terms of overlooking, overshadowing and overbearing impacts, with the neighbour at 2 Hobson's Acre most likely to be impacted by the proposed development. Issues relating to overlooking have been discussed in the assessment above and whilst some issues could be overcome through obscure glazing, it is not considered appropriate to require bedroom windows to be obscurely glazed and the use of clear glazing is considered to result in significant overlooking impact on 2 Hobson's Acre.

Further to this, the addition of a two storey extension in such close proximity to the private amenity space serving 2 Hobsons Acre is considered to result in a material overbearing and overshadowing impact over and above the existing situation. Whilst it is acknowledged that the developer cannot control the existing built form surrounding the site, I am of the opinion that this does not set a precedent for further development that would worsen the overbearing situation this neighbour currently experiences. Moreover, it is considered the significant bulk of the proposed extension and proximity to the side elevation of 5 Main Street, which contains 2 No. windows would result in a material overbearing and impact on the residential amenity of this property. These issues are considered contrary to the aims of Policy DM6 of the DPD.

It is therefore my conclusion that the proposal does not accord with both local and national policy and is therefore recommended for refusal to Members.

### Recommendation

**That full planning permission is refused for the following reason;**

01

In the opinion of the Local Planning Authority the proposal would result in an unacceptable impact upon the neighbouring properties 2 Hobson's Acre and 5 Main Street to the north and west of the application site through overlooking, overshadowing and overbearing impacts due to the siting, scale and design of the proposed extension. The development would also result in a loss of privacy to the rear of the property for the occupiers of Acacia Villas as a result of window locations within

the existing dwelling and proposed extension. The proposal is therefore contrary to the aims of Policy DM6 of the Allocations and Development Management Development Plan Document (2013).

### Notes to Applicant

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

02

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

### 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 - 18/01357/FUL

