

<b>Application No:</b>	<b>18/00030/FUL</b>	
<b>Proposal:</b>	<b>Residential annexe in the garden of Holly Cottage</b>	
<b>Location:</b>	<b>Holly Cottage, Fiskerton Road, Brinkley, Nottinghamshire, NG25 0TP</b>	
<b>Applicant:</b>	<b>Mr &amp; Mrs P Ottewell</b>	
<b>Registered:</b>	<b>8 January 2018</b>	<b>Target Date: 5 March 2018</b>

**The application is reported to Committee as a previous planning application (ref. 17/01443/FUL) for an annexe within the garden of Holly Cottage was refused by Members in November 2017.**

The Site

The proposal site is located outside of the main built up area of Southwell within the hamlet of Brinkley. The site is part of a cluster of buildings formerly associated with Brinkley Hall Farm, a Grade II Listed Building. The proposed site for the annexe is to the eastern end of the rear garden associated with Holly Cottage which shares its southern and western boundary with Quercus Cottage. The site is well-screened to the north but remains largely open to the east and south, as well as with the adjacent neighbour.

Relevant Planning History

**17/01443/FUL** - Residential annexe in the garden of Holly Cottage (refused 09.11.2017). This application was refused for refused for the following reason:

*Whilst promoted as an annex, the Local Planning Authority does not consider the proposal could reasonably be considered as such given the level of accommodation, the scale of the building in terms of footprint and its siting relative to the host dwelling. In the opinion of the local planning authority, the proposal would introduce a new independent dwelling within the open countryside where development is strictly controlled by Policy DM8 of the Allocations and Development Management DPD and Paragraph 55 of the NPPF, a material planning consideration. The proposal does not meet the exceptions for new rural dwellings outlined within either policy document and is therefore inappropriate development in the open countryside. There is no justification which would outweigh this harm.*

**07/01137/FUL** - Demolition of existing single storey extension and erection of new two storey extension to existing single storey dwelling house (permitted 27.11.2007). Permitted development rights were removed as part of this permission.

**56881521** - Change of use from office/ store to residential 2 bedroom bungalow (permitted 23.01.1989)

## The Proposal

The proposal seeks planning permission for the erection of a single storey residential annexe within the grounds of Holly Cottage. The proposed annexe would measure 10.5m in length, 6m in depth and 4.5m in ridge height and would accommodate a living area, bedroom, lobby and bathroom.

The proposed annexe would be constructed of brick and timber cladding along with a pantile roof. Joinery is proposed to be timber.

Access to the proposed annexe would be via the existing parking area for Holly Cottage, Ivy Cottage and Quercus Cottage as well as a footpath from Holly Cottage.

The proposal has been reduced in scale and sited closer to the host dwelling during the process of this application following concerns raised by the Case Officer. These amendments have resulted in a reduction in footprint from approximately 74m<sup>2</sup> to 63m<sup>2</sup>, a reduction in height of 0.5m and relocation 4m closer to the principal dwelling. These amendments are reflected in plans received on 12<sup>th</sup> February 2018 and this report and recommendation relates to these revised plans.

## Departure/Public Advertisement Procedure

Occupiers of 5 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

DM6: Householder Development

DM8: Development within the Open Countryside

Policy DM9: Protecting and Enhancing the Historic Environment

DM12: Presumption in Favour of Sustainable Development

## **Other Material Considerations**

*National Planning Policy Framework 2012*

*Planning Practice Guidance 2014*

*Householder Development Supplementary Planning Document 2014*

### Consultations

**Southwell Town Council** – Support the proposal.

**NCC Highways** – Standing advice applies.

**NSDC Access & Equalities Officer** – It is recommended that the developer make separate enquiry regarding Building Regulations matters.

**NSDC Conservation Officer** – *Brinkley Hall Farmhouse and associated barns are Grade II listed. The listed farmhouse and barns date to the late 18<sup>th</sup> century. The proposal is located in proximity to the listed buildings and is therefore capable of affecting their setting.*

*We provided advice on a similar proposal last year, albeit for a different design (ref 17/01443/FUL).*

### Legal and policy considerations

*Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority (LPA) to have special regard to the desirability of preserving listed buildings, including their setting. In this context, ‘preservation’ means to cause no harm and is a matter of paramount concern in the decision-making process.*

*Policies CP14 and DM9 of the Council's LDF DPDs seek to protect the historic environment and ensure that heritage assets are considered in a way that best sustains their significance. Overall, the key issues to consider in proposals for additions to heritage assets, including new development within their setting, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.*

*The National Planning Policy Framework (NPPF) makes it clear that new sustainable development should protect and enhance the historic environment (paragraph 7). LPAs should also look for opportunities to enhance or better reveal the significance of heritage assets when considering development within the setting of heritage assets (paragraph 137). Paragraph 132 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 setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Setting is often more extensive than the curtilage of a heritage asset. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The extent and importance of setting is often expressed by reference to*

*visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance. When assessing any application for development which may affect the setting of a heritage asset, LPAs may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its on-going conservation.*

*Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).*

### Assessment of proposal

*The proposed annex takes the form of a traditional brick and pantile type outbuilding, with simple fenestration and a distinctive glazed gable on the east end. The footprint of the annex has been reduced from the previous application.*

*At pre-application stage, we advised that Conservation would be unlikely to object to the proposal. It is felt that the simple traditional form of the structure and its subservient relationship to the original farmstead ensure that it causes no harm to the historic environment in this case. It is also acknowledged that the former farmstead has been fragmented into separate residential units, with domesticated areas noticeably altering its historic setting. In this context, it is felt that the proposal will cause no harm to the setting of the listed buildings.*

*Subject to the precise details of the external facing materials, Conservation has no objection to the proposed annex.*

**Southwell Civic Society** – No objection to the proposal

**Severn Trent Water** – No comments received

**Anglian Water** – No comments received

**Lead Local Flood Risk 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 (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.*

### **Trent Valley Internal Drainage Board – No objection to the proposal**

**Environment Agency** – *We are no longer commenting surface water drainage as this responsibility has transferred to the Lead Local Flood Authority.*

**No other letters of representation have been received.**

### Comments of the Business Manager

#### *Principle of Development*

The application seeks to erect an annexe in the rear garden of Holly Cottage for family members to occupy. The Council's SPD for householder development states that *'where an annexe includes all of the primary aspects of accommodation (bedroom/ living room, kitchen and bathroom) and the unit could be, or is being, lived in separately with limited or no relationship to the host dwelling either through a family member or the level of accommodation then it will be considered as a new dwelling and so not householder development. Accordingly full planning permission for a new dwelling would be required with relevant policies of the development plan being applied in its consideration.'* The proposal seeks to rely upon the host dwelling for kitchen facilities and therefore I take that view that the proposal could be considered to be ancillary to the host dwelling, providing a minimal level of accommodation expected for annexe proposals.

I am mindful that there is sufficient space for a kitchen could be added at a later stage without requiring consent from the local planning authority, however I must take the applicant's proposal in good faith. The size of the proposed annexe is also subordinate to the existing dwelling and located close to the main dwelling itself. The existing site access and garden area would be shared. This would make it more difficult for the proposed dwelling to be used a separate dwelling in the future. Furthermore, the purpose of the annexe is to provide living accommodation for the current occupiers of Holly Cottage so that their daughter can move into the host dwelling to provide assistance as the current occupiers get older. As such, there is no reason to doubt the proposed functional link between the two buildings and that the proposed annex would be ancillary to the use of the main house. This can be secured by way of a planning condition to provide clarity.

The site is located within open countryside and as such, I feel it is prudent to mention the issues surrounding the application were it to be considered as an independent dwelling or separate planning unit. Policy DM8 of the DPD covers Open Countryside development and it does allow for new dwellings but only where it can be demonstrated *'they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.'* This is reflected within the NPPF under Paragraph 55 which states that that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances (paragraph 55) such as;

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
  - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
  - reflect the highest standards in architecture;
  - significantly enhance its immediate setting; and
  - be sensitive to the defining characteristics of the local area.

In this instance, and as concluded with the previous submission, I would not consider the proposal to fit with the guidance above as the building is not proposed to be occupied by someone in connection with a rural worker, nor would it represent a viable use of a heritage asset, the re-use of a building or of exceptional or innovative design.

As such, this revised proposal is only now considered to be acceptable due to the ancillary nature in both physical and functional terms of the development now proposed. For the awareness of Members, the previous submission proposed an annexe approximately 40% larger than that now proposed, along with a greater level of accommodation, including a kitchen, study and utility room. The annexe was also located some 17m further from Holly Cottage than is now proposed.

#### *Impact upon Character of the Area*

In accordance with Policy DM5 of the DPD, new development should respect the rich local distinctiveness of the District's landscape and character of built form and this should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. In this regard I consider it is important to retain the character of the landscape and prevent development from encroaching upon its rural characteristics.

The proposed annexe would be located within the rear garden of Holly Cottage, some 23m from the existing dwelling on the site which at first glance sounds a significant distance for an ancillary building. However, upon assessment, the location has been chosen so as to avoid any adverse impact upon the setting of the nearby Listed Building along with easy access to the shared parking area and limit the impact upon the neighbouring property. Whilst I am concerned that the distance is significant, this is much reduced from the previous scheme (and further reduced through negotiations under this current planning application) and would not encroach upon the wider area of rear garden associated with Holly Cottage, thus in my view limits the encroachment of development upon the surrounding Open Countryside. As such, on balance I consider the proposal to be read as an ancillary building to Holly Cottage rather than a separate planning unit, as was the view previously.

Further to the above, it was established under the previous planning application that it would not be desirable to extend the existing dwelling due to the impact upon the traditional barn layout of the site and adjacent listed building; I would concur with this view. In addition to this, it should also be noted that permitted development rights were removed for extensions and outbuildings when planning permission was granted for the main dwelling and therefore no building of

comparable size could be erected within the curtilage under permitted rights meaning there is no fallback position in this instance. This removal of permitted development rights for the property would also restrict the annexe from any further extension without planning permission, which I feel in this instance to be a benefit for the LPA as it allows control over the future development of the site, and in particular the annexe, to ensure that the accommodation remains ancillary to the host dwelling, thus limiting the likelihood of the creation of a separate planning unit overtime and further encroachment upon the open character of the surrounding countryside.

In terms of its design, the use of brick, cladding and pantile is welcomed and would reflect the character of the surrounding buildings. Views are achievable from the public highway when travelling from the east and from surrounding fields and as such I consider the proposal would have an impact upon the character of the open countryside. The existing garden plot is relatively open along the eastern and southern boundaries to allow views across the open fields, with the garden largely undisturbed by built form. The erection of a large building within the garden would impact upon the views of the site and detract somewhat from the open character. However, the subservient scale of the annexe in my view would aid the appearance of the building as an ancillary building to the dwelling rather than a stand alone planning unit; this is perhaps further helped through the re-siting of the annexe closer to built form and hardstanding, which reduces the encroachment of development. As such, although I accept there is some harm to the open character of the landscape due to additional built form, I consider that in this instance the physical (owing to the dwelling's historic setting restricting an extension to the dwelling) and functional (providing support to aging relatives) need/reliance of the annexe upon Holly Cottage, outweighs the slight encroachment and I see no justification that would outweigh the benefits of the scheme.

Referring to the historic setting, Brinkley Hall Farm is a Grade II Listed building and is located to the west of the site. Core Policy 14 and Policy 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 132 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). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137).

The setting of a heritage asset is defined in Annex 2 of the NPPF. Setting is the surroundings in which an asset is experienced, and its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not (see paragraph 13 of the PPG for example (ref: 18a-013-20140306)). The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. In addition, please note that the contribution that setting makes to the significance of the heritage

asset does not depend on there being public rights or an ability to access or experience that setting. Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

Having consulted the internal Conservation Officer on the application, it is concluded that the proposal would not have a harmful impact upon the setting of the listed building and I would concur with this conclusion.

#### *Impact on Residential Amenity*

Holly Cottage is set within a cluster residential development and therefore the nearby properties are likely to see some impact as a result of the development. Whilst I am mindful that the site is already used for domestic purposes associated with Holly Cottage, additional living accommodation has the potential to have an impact upon the amenities of the neighbouring properties in respect of privacy and noise.

Policy DM5 and the NPPF seek to ensure that development does not have an adverse impact upon the amenities of neighbouring properties. Whilst it is considered that it is likely neighbours will be impacted, I attach weight to the residential nature of the local area and one additional residential unit is unlikely to result in a substantial increase in noise, particularly as outdoor amenity space will be shared with Holly Cottage.

The outbuilding is situated to the rear of and approximately 23m from Holly Cottage and 19m from Quercus Cottage which I consider sufficient distances to protect existing residential amenity, although I am mindful that the annexe would be only 6m from the boundary with the neighbouring property. However, these distances are still considered to be sufficient so as to limit any impact upon the neighbouring properties by virtue of overbearing and overshadowing impacts. With regards to privacy, windows are proposed to all sides of the single storey building, the most contentious being those on the southern elevation overlooking Quercus Cottage. These windows would overlook the eastern edge of this neighbouring property's rear garden, however owing to the large garden afforded to this neighbouring property and the separation distance, I am of the view that any overlooking is likely to be limited and therefore not detrimental to this neighbour.

I am mindful that the proposal is likely to result in an increase in activity in and around the building, which will be most obvious to the occupiers of Quercus Cottage. However, I am of the view that as the site is already in residential use and the land immediately adjacent to the building is used as garden area, the additional living accommodation and associated activity is unlikely to have an adverse impact upon this neighbouring property.

Given the assessment above, I am of the view that it is unlikely that the proposal will be detrimental to amenities of the neighbouring properties or the surrounding area.

#### *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 and Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.



Holly Cottage has one vehicular access point with ample space for parking in a designated parking area for the three cottages. An annexe would use this space for entering the property and for parking. The Highways Authority have advised that their standing advice can be applied to this application, and in any event would not raise an objection to the scheme providing the annexe remains ancillary to Holly Cottage. I note the existing dwelling shares a parking area with adjoining properties. Given the proposal will remain dependent upon the principal dwelling, and the size of the existing parking area, it is likely appropriate parking could be provided for the annexe.

Given the above, I am satisfied that a new independent unit could accord with Spatial Policy 7 and Policy DM5 in terms of highway considerations.

### *Planning Balance and Conclusion*

The proposal is for the erection of a residential annexe within the rear garden of Holly Cottage. The annexe would retain some dependency upon the principal dwelling in terms of kitchen facilities and access. The occupiers of the annexe would also be partially dependent upon the occupiers of Holly Cottage as they get older; this physical and functional dependency has led me to the conclusion that the annexe would provide ancillary accommodation for Holly Cottage. It is however advised that this relationship is conditioned to remain ancillary to enable the LPA to retain control over any future use of the annexe as it is located within the open countryside where new residential development is strictly controlled; the annexe, if submitted as an independent dwelling, would not be considered appropriate development within the open countryside; the requirements/exceptions set out in paragraph 55 of the NPPF and Policy DM8 of the DPD would need to be met.

In addition to the above, it has been concluded that the annexe would sit subservient to the host building, with no adverse impacts upon neighbour amenity or highway safety, and is of an appropriate design that would reflect the character of the host building and have no harmful impact upon the neighbouring Listed Building.

I therefore recommend to Members that the application is approved, subject to appropriate conditions.

### **Recommendation**

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

- Location Plan – Drawing no.01
- Proposed Plan, Elevations & Site Plan – Drawing no.04 Rev.B (revised plan received 16.02.2018)

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

Reason: So as to define this permission.

03

No development shall be commenced until samples of the materials identified below have been submitted to and approved 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.

- Cladding
- Roofing tiles
- Brick

Reason: In the interests of visual amenity and preserve or enhance the character and appearance of the surrounding historic setting.

04

The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling, known as Holly Cottage, Fiskerton Road, Brinkley, Nottinghamshire, NG25 0TP.

Reason: To prevent the creation of a separate dwelling within the open countryside where development is strictly controlled by Policy DM8 of the Allocations and Development Management DPD and Paragraph 55 of the NPPF.

#### 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 hereby approved as the gross internal area of new build is less 100 square metres.

02

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. 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).

#### 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 - 18/00030/FUL

