

PLANNING COMMITTEE – 26 MARCH 2019

Application No:	19/00124/FUL		
Proposal:	Proposed erection of double garage/annexe building (resubmission of application no. 17/02136/FUL)		
Location:	7 Landseer Road, Southwell, NG25 0LX		
Applicant:	Mr And Mrs Colin Tilley		
Registered:	25.01.2019	Target Date:	22.03.2019
	Extension of time agreed until 03.04.2019		

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Southwell Town Council has objected to the application which differs to the professional officer recommendation.

The Site

The application relates to a two storey detached property with cream painted brick frontage situated within the main built up area of Southwell. The property has been historically extended to the rear with a flat roofed two storey projection. There is an existing single storey detached garage situated to the south side of the property set back from the public highway by approximately 4m. There is a generous sized west facing garden to the rear with a minimum depth of 17m enclosed by timber fencing panels to the west and north boundaries and hedgerow to the south boundary.

To the north is a row of traditional red brick terraced properties and to the south is a pair of mid C20 semi-detached properties.

The Southwell Conservation Area lies adjacent to the site to the western (rear) boundary of the garden but the site itself is not within it.

Relevant Planning History

17/02136/FUL - Proposed erection of double garage/annexe building – REFUSED for the following reasons:

01

In the opinion of the Local Planning Authority, the proposed building by way of its siting, scale and design fails to respond to the built character of the existing street scene and represents an alien, obtrusive form of development that is incongruous within its surrounding context. The design and scale of the building would not appear as subservient to the host property and would appear visually at odds due to its roof design and its set back position from Landseer Road. As such, as an independent dwelling, the proposal would fail to accord with policy DM5 (Design) of the Newark & Sherwood Allocations and Development Management DPD, Policy DH1 (Sense of Place) of the

Southwell Neighbourhood Plan and the NPPF, a material consideration. As an ancillary annexe the proposal would also be contrary to Policy DM6 for the same reasons.

02

In the opinion of the Local Planning Authority the proposed building by way of its scale and siting would result in an unacceptable degree of overbearing impact and resulting loss of light to the garden area of occupiers of No. 5 Landseer Road to the south. Furthermore, the proposed structure would result in a degree of overlooking and perception of overlooking of residential private garden areas of Nos. 5 & 9 Landseer Road located to the south and north of the application site respectively. The proposal would as an independent dwelling, fail to accord with Policy DM5 (Design) of the Allocation and Development Management DPD and the NPPF, a material consideration. As an ancillary annexe the proposal would also be contrary to Policy DM6 for the same reasons.

17/01602/FUL - Householder application for proposed replacement of existing flat roof to pitched roof including the replacement of existing pitched roof surface to pantiles and removal of chimney stub. Granted Permission October 2017

The Proposal

The application is a resubmission of a previously refused application, ref 17/02136/FUL, for the erection of a double garage/annexe building situated to the side of 7 Landseer Road in place of a single garage.

The building would measure approximately 11.9m in depth, 5.6m in width, 5.15m to the ridge and 2.85m to the eaves. It would have a pitched a roof with a gable fronting the road. There would be 2no. garage doors to the front and a decorative circular window to each gable. It would be built in red brick and the roof would be covered in red pantiles. There would be storage space within the roof accessed by an internal staircase within the garage. The annexe accommodation would be situated to the rear half of the building and would comprise open plan living space (including the bedroom area) and a separate bathroom.

The previous application (17/02136/FUL) included annexe accommodation to the first floor and the proposed ridge height of the building was 6.31m. The first plans submitted with this new application showed a reduction in overall height by omitting the first floor accommodation and positioning the annexe accommodation on the ground floor to the rear of the garage. The plans also showed a revised position within the site, abutting the shared boundary to no. 5. Further to negotiation the most recent plans show a further reduction in scale (measurements as detailed above) and the garage/annexe positioned a distance of approximately 1.2m from the shared boundary to no. 5.

The road has a higher ground level than the rear garden. The intention is to build the garage at the lower garden level and create a downward sloping drive from the road to the front of the garage.

Submitted Documents

Drawing No: BC-029-17-05 (Existing Garage Plans and Elevations)

Drawing No: BC-029-17-06B (Revised Plans and Elevations)

Departure/Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

Southwell Neighbourhood Plan (Adopted October 2016)

Policy SD1: Delivering Sustainable Development

Policy DH1: Sense of Place

Southwell Design Guide

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 3 – Rural Areas

Core Policy 9 -Sustainable Design

Allocations & Development Management DPD

DM5 – Design

DM6 – Householder Development

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance
- Newark & Sherwood LDF Householder Development SPD Adopted 2014

Consultations

The Town Council objected to the application commenting:

Southwell Town Council considered application 19/00124/FUL Landseer House and unanimously agreed to object to this application as it is in contravention of the neighbourhood plan

-policy E2 Flood Resilience Design pg. 28—there are no flood mitigation measures in place.

-planning history, having considered the original reasons for refusal by NSDC this recent application does not address sufficiently these issues.

The Conservation Officer commented:

This application is a resubmission of application 17/02136/FUL, in which no conservation harm was identified. I have looked at the revised plans and while I appreciate the difference in schemes, the revised design does not materially alter the nature of my comments and I so I am happy to reiterate these comments again now:

The application site sits adjacent but not within Southwell Conservation Area. It backs onto the large plot associated with number 142 West Gate, which is an attractive Victorian building (previously two cottages) which is in the Conservation Area. Landseer Road itself was laid out late C19/early 20 and the host building is a simple detached building of this age.

My comments consider the impact of the proposal on the setting of the Southwell Conservation Area, and specifically on the positive building at number 142 West Gate. There are no listed buildings which I believe will be affected by this proposal.

While I accept the proposed new garage is substantially larger and set further back into the plot (and therefore closer to the Conservation Area boundary) than the existing garage, I think the proposal will not harm the setting of Southwell Conservation Area or the setting of number 142 West Gate. The Conservation Area at this point is strongly suburban, and while not densely settled by any means, it has an urban form. The grounds of number 142 West Gate is already surrounded by later developments.

The proposed new garage will not go significantly closer to the Conservation Area boundary or the grounds of number 142 than the existing rear wings of numbers 9-19 Landseer Road, so will still be read as development associated with that road, and will not have a materially different impact on number 142 West Gate and the setting of the Conservation Area. The built form of number 3 Landseer Road and numbers 138-140 West Gate will mostly obscure the proposed new garage from the Conservation Area on West Gate. If there are to be glimpses of the new garage it would be seen layered against the existing built form going up the hill on Landseer Road and would not alter the sense of building density around the Conservation Area.

In conclusion I have no objection to this application. While the setting of a Conservation Area is not specifically covered in statute I am happy that the proposal will not harm the setting of the Southwell Conservation Area and its constituent parts and that the proposal is in line with paragraphs 129, 131 and 132 of the NPPF. In reaching this view I have also considered the Southwell Neighbour Plan which contains policies that seek to conserve heritage assets.

The Southwell Civic Society Planning Committee has no objections to the proposal.

Representations have been received from two local residents/interested parties which can be summarised as follows:

One comment queried the floor level on which the garage would be situated as the plans indicate that the new eaves height would be the same as the existing garage.

The second comment objected to the application raising concerns about a loss of privacy for no. 9; the large scale of the proposed building; overbearing impact; loss of light; and a negative impact upon the character of the street scene.

Comments of the Business Manager

Principle of Development

The NPPG acknowledges that Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, thus providing a powerful set of tools for local people to ensure that they get the right types

of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

Following public consultation and independent examination, Newark and Sherwood District Council adopted the Southwell Neighbourhood Plan in October 2016. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Southwell. In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of the proposal in the assessment below.

The application seeks to erect a single storey double garage with annexe accommodation to the side of the main dwelling 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.'

Given that the proposal seeks an annexe with all the amenities of an independent dwelling, the proposal falls within the statement above. It was established within the report for 17/02136/FUL that the application proposal would be assessed primarily against Policies DM5 and DM6 of the DPD in addition to supporting design and amenity guidance contained within the Householder SPD and SNP. The principle of the development remains unchanged therefore this application will be assessed against the same policies.

The site is located within the Main built up area of Southwell which in accordance with Spatial Policy 1 of the Core Strategy is designated as a Service Centre where the principle of new residential development is considered to be acceptable.

Impact on Visual Amenity, Character of the Area, and the Conservation Area

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments.

Policy DM5 of the DPD states that proposals should respect local distinctiveness, while Policy DM6, which relates specifically to householder development, requires that proposals should respect the design, materials and detailing of the host dwelling and the surrounding area.

Paragraph 127 of the NPPF requires that developments are visually attractive, sympathetic to local character, establish or maintain a strong sense of place, and function well not just in the short term but for the lifetime of the development.

The design is fairly traditional looking for a double garage. It would sit in place of an existing garage, albeit on a larger scale. I consider the height of the building at 5.15m to be subservient to the host dwelling. The existing garage has a gabled elevation fronting the road as does the proposed building. The street scene comprises a variety of house types with semi-detached mid C20 to the south and a row of Victorian terraces to the north of the site. The application dwelling

itself is a detached period property painted white. There is not a uniform appearance to the street therefore I do not feel that the proposal would look unsympathetic to the character of the area. The proposed materials would match many of the surrounding houses which are built in red brick. The gable frontage would be set back approximately 6m from the public highway, and on a lower ground level, therefore would not be overly prominent within the street scene.

The garage would be positioned a distance of 1.53m from the host dwelling and approximately 3.5m from the neighbouring property to the south, no. 5. There is an existing hedge along the shared boundary with no. 5 which would soften the impact within the street scene and its impact upon no. 5. It has been confirmed by the agent that the hedge is to be retained which can be secured by condition. Overall I do not feel that it would cause harm to the character of the area.

I concur with the comments made by the Conservation Officer. Any views of the proposed building from within the adjacent Conservation Area would be limited and would be mitigated by the existing urban form of the area. I do not consider that the proposal would change the existing relationship between the application site and the Conservation Area. As such, the proposal would meet the test set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in that it would preserve the character and appearance of the Conservation Area.

Impact on Residential Amenity

Policy DM6 accepts householder development in principle providing that there is no adverse impact on the amenities of neighbouring users including loss of privacy, light, and overbearing impact; the host dwelling retains a reasonable amount of amenity space relative to its size; the proposal respects the design, materials and detailing of the host dwelling as well as the character of the surrounding area.

The annexe building would be situated 1.2m from the shared boundary line with no. 5. The height to eaves would be 2.85m with a pitched roof sloping away from the boundary to a height of 5.15m. Due to the lower ground level on which the garage would be constructed, the proposed eaves height would be at the same level as the eaves of the existing garage. Given that the garden of no. 5 is south of the application site, I do not consider that the proposal would cause a loss of light to it. The garden to no. 5 is approximately 15m in depth. The extension would project a further 3.2m than the rear elevation of no. 5. Given the generous garden size, the fairly modest eaves height, and the intervening boundary hedge, I do not consider that the building would have an overbearing impact. There are no windows proposed to the south elevation (facing the garden of no.5) therefore I have no concerns regarding a loss of privacy.

The building would be situated to the south side of the plot with a distance of 10m to the shared boundary with no. 9. The north elevation would include windows at ground floor level. Considering the distance, the intervening boundary treatment, and that no. 9 is on a higher ground level than the application site due to the upward slope of the street, I do not consider that the garage/annexe would cause any unacceptable loss of privacy, loss of light or overbearing impact to no. 9.

The bi-folding doors to the rear elevation would look into the garden of the application site. The rear boundary is enclosed by mature hedgerow, shared with the rear garden of a detached property fronting Westgate (142 Westgate). Given the intervening boundary treatment and indirect relationship between the properties, I have no concern that the proposal would impact negatively on the amenity of this property.

The circular windows to the front and rear elevations would serve storage space within the roof. There would also be 2no. rooflights to the north elevation. Given that the roof space would not be a habitable room, I do not consider that the windows or rooflights would cause a loss of privacy to any neighbouring properties.

Impact on Amenity of Host Dwelling and Proposed Annexe

The annexe part of the building is proposed to the rear of the garage. None of the windows serving the annexe would have a direct relationship with the host dwelling, therefore I have no concerns the annexe would cause a loss of privacy, and feel it would maintain its own privacy as well.

There is one window to the ground floor of the host dwelling which would face the garage. The minimum distance between the buildings would be 2.2m. The window serves the lounge which also has glazed doors to the rear elevation and a window to the front elevation. As such I do not consider that the garage/annexe would cause an unacceptable loss of light to the host dwelling. In any case the proposal would be in connection with the occupiers of the host dwelling and therefore this level of amenity is less sensitive in the overall planning balance.

The position and scale of the garage/annexe would allow the host dwelling to retain a generous garden size. Therefore I do not feel that the proposal would unacceptably impact the amenity of the host dwelling nor for any future occupants.

Impact on Parking and Highways

The double garage would provide further parking than the existing situation, and retain off street parking to the front. I have no concerns that the proposal would negatively impact parking provision or highway safety.

Flood Risk

In relation to the comments from the Town Council, it should be noted that the site does not fall within the Environmental Agency Flood Zones 2 or 3. I therefore have no concern that the proposal would increase the risk of flooding within the area and do not consider that a need for flood mitigation is a material consideration in relation to this application.

Conclusion

I have assessed the proposal on its own merits whilst bearing in mind the previous application. I consider this application to be an improvement from 17/02136/FUL in terms of overall scale, position and design and feel that the revised plans address the previous reasons for refusal. The design is similar in the fact that the gable fronts the road, however given the reduction in overall height and eaves height, and the existing variety within the street scene, I do not consider this design feature to be harmful to the character of the area.

In summary I consider the proposal to be in accordance with the policies set out within the Newark and Sherwood Development Plan and recommend that planning permission is granted.

RECOMMENDATION

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

Conditions

1. 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.

2. The development hereby permitted shall not be carried out except in accordance with the following approved plans, reference

Drawing No: BC-029-17-06B (Revised Plans and Elevations)

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.

3. No development above damp proof course shall take place until manufacturers details (and samples upon request) of the external facing and roofing materials (including colour/finish) 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.

Reason: In the interests of visual amenity

4. The boundary hedge along the south boundary of the site is to be retained for the lifetime of the development. If any part of the hedge dies, is removed, or becomes seriously damaged or diseased, it shall be replaced with hedge plants in the next planting season of a similar size and species.

Reason: In the interests of visual amenity.

Notes to Applicant

1. 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/
2. 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).

BACKGROUND PAPERS

Application case file. 19/00124/FUL

For further information, please contact Ellie Sillah on ext 5770.

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 and Regeneration

Committee Plan - 19/00124/FUL



