

PLANNING COMMITTEE – 2 JULY 2019

Application No:	19/00246/FUL	
Proposal:	Householder application for demolition of original rear extension and erection of new single storey rear and side extension to dwellinghouse	
Location:	5 Plantation Cottages, Main Street, Epperstone, Nottinghamshire, NG14 6AG	
Applicant:	Ms Gaynor Mallinson	
Registered:	11th February 2019	Target Date: 8th April 2019 Extension of time agreed

The application is reported to Committee at the request of Cllr Roger Jackson. His reasons for calling the application to Planning Committee are that:

1. the Parish Council are in full support;
2. it is felt that it does not infringe on the green belt and;
3. the size is only because a two-storey would take light and views away from neighbouring houses who have no objections.

The Site

The application site is located within the village of Epperstone which is washed over by the Nottingham-Derby Green Belt and lies within the village's Conservation Area. The site comprises a semi-detached two storey dwelling of C20th construction which is one of 8 dwellings forming Plantation Cottages that previously were Police accommodation associated with Epperstone Manor. The dwellings are set back from the highway, on land significantly higher than Main Street, and are accessed via a footpath running to the south-west of the properties with parking to the rear (north-east).

The dwelling benefits from an ample sized front garden as well as private amenity space to the rear and has an existing rear off-shoot that appears to be original. The adjoining neighbour lies to the south-east with the neighbour to the north-west separated by respective accesses to the rear of the properties and is of a similar design as no.5. Boundary treatments are mostly fencing approximately 1-1.5m in height along with hedgerow to the rear and north-eastern boundary, although the boundaries are relatively open from all aspects.

Relevant Planning History

No relevant site history.

The Proposal

The application seeks planning permission for the demolition of an existing single storey rear offshoot (footprint of 12m²) followed by the erection of a rear single storey side and rear extension comprising a snug, bedroom, utility, shower room and extension to the existing kitchen/dining room. The extension would have a footprint of approximately 56.5m² and would wrap around the NW corner and rear of the dwelling with a projecting wing.

The extension to the kitchen/dining room would measure 1.7m in length and 4m in width with a lean-to roof measuring 3.5m in height. Rooflights are proposed in this extension. It is proposed that materials would match those of the existing dwelling.

Attached to this rear extension would be the projection to the rear of the site, replacing the existing offshoot. This part of the development would measure 9.7m in length, a maximum of 5.5m in width and a maximum ridge height of 4.5m, stepping down to 4.2m towards the rear of the extension. It is proposed that the extension would be constructed of brick and tile to match the host dwelling to the front half of the addition, with timber cladding and tiles to the rear section. 1 no. rooflight is proposed on the western elevation with a pitched roof canopy to the eastern elevation.

The side extension is proposed to the western elevation and would measure 2.7m in width, 3.3m in length and would have a lean-to glass/lead or glass/zinc roof measuring 3.5m in height. The principal elevation of this extension would have full height glazing with the walls proposed to be constructed of brick to match the host dwelling.

Submitted Documents

The following documents accompany the application:

- Location Plan – (10)001 P00
- Site Plans – (10)002 P00 (received 21st February 2019)
- Existing Layouts – (20)001 P00
- Proposed Layouts – (20)002
- Existing Elevations – (21)001 P00
- Proposed Elevations – (21)002 P00
- Planning and Heritage Statement dated February 2019
- Summary Statement dated 7th May 2019

Departure/Public Advertisement Procedure

4 neighbouring properties have been consulted 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 4B: Green Belt Development

Core Policy 9: Sustainable Design

Core Policy 14: Historic Environment

Allocations and Development Management DPD Adopted July 2013

Policies relevant to this application:

DM5: Design

DM6: Householder Development

DM9: Protecting & Enhancing the Historic Environment

DM12: Presumption in Favour of Sustainable Development

Other Material Considerations

National Planning Policy Framework 2018

Planning Practice Guidance 2014

Householder Development Supplementary Planning Document Adopted November 2014

Consultations

Epperstone Parish Council – Support the proposal but feel that the neighbours should be consulted as it is being built on adjoining boundary.

NSDC Conservation Officer – *Many thanks for consulting Conservation on the above proposal.*

Heritage assets affected

The proposal site is situated within Epperstone Conservation Area (CA). Although not directly adjacent, Epperstone Manor (Grade II listed), the landmark Church of the Holy Cross (Grade I) and associated former Rectory (Grade II) are all situated a little way to the east of Plantation Cottages. Although much redeveloped as part of an enabling project on the south side of the main road, the former pleasure grounds of Epperstone Manor, a mid-18th century polite house remain legible and is otherwise identified as an unregistered park and garden.

The main issue in this case is what impact the proposals will have on the character and appearance of Epperstone CA with special regard to the historic buildings and mature park landscape which contribute positively to the special significance of this part of the designated area.

Legal and policy considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In addition, section 72 of the Act 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, and is a matter of paramount concern in the planning process.

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. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting. It should be noted that the Newark & Sherwood Amended Core Strategy DPD has been through examination and determined to be sound. It therefore carries material weight in the decision-making process.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF – revised February 2019). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of conservation areas when considering new development (paragraph 200).

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 the 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.

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

Significance of heritage asset(s)

Epperstone CA was first designated in 1972, and reviewed in 2006 when the area was extended. The adopted Epperstone CA Appraisal (2006) provides a useful assessment of the CA, including its origins, settlement layout patterns and architectural interest.

Plantation Cottages are former late 1950s/early 1960s houses, possibly associated with the Police HQ in the Manor.

Assessment of proposals

Conservation has no objection to the proposed development.

The host property is set back on rising land to the north of the roadway, forming part of a group of 4 semi-detached cottages. The cottages have a pleasant character, being constructed in red brick with plain tiles roofs, matching box bay windows, gabled porch canopies, cottage casement windows and chimneys. Nevertheless, Plantation Cottages are modern and are considered to make a neutral contribution to the character and appearance of the CA.

The proposal seeks to demolish a rear single storey extension and re-build with larger dimensions, as well as a new lean-to element on the side elevation. The general design references the brick and tile form of the host property, but there is an element of modern interpretation in the use of some timber cladding and glazing features.

The design and appearance of the extension sits comfortably in this context and causes no harm to the character and appearance of the CA or setting of any other heritage asset. Although the development will be partially visible from the road, the simple lightweight glazing design on the south elevation and modest scale perceived in the lean-to form ensures that the development is not unduly prominent.

Recommendation

The proposal will cause no harm to the character and appearance of Epperstone CA or the setting of any other heritage assets. The proposals therefore accord with sections 66 and 72 of the Act. The proposal also complies with heritage advice contained within the Council's LDF DPDs and section 16 of the NPPF.

If approved, precise details of the lean-to roof should be agreed before they are installed (we are content with either option presented), as well as further details on the glazing in the lean-to in the south elevation.

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.

No other letters of representation have been received.

Comments of the Business Manager

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.

The site is located within the Green Belt where new development is strictly controlled through the NPPF and Spatial Policy 4B of the Core Strategy. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF informs local planning authorities that they should regard the construction of new buildings as inappropriate in Green Belt although there are exceptions. One such exception does allow for some development such as the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. It is under this stipulation that the appropriateness of the proposal will be assessed further below.

Additionally, the site lies within the Conservation Area for Epperstone. As such any proposed development must comply with the principles of Policy DM9 and Core Policy 14. Criteria within these policies require proposals to take into account the distinctive character and setting of the Conservation Area.

Impact upon Green Belt

The NPPF states that substantial weight is given to any harm to the Green Belt although there are exceptions to this including that any extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building, could be considered acceptable.

Under current policy there is no definitive percentage of increase considered to be appropriate development within the Green Belt and as such, it is one of judgement for the Local Planning Authority. Generally, and as a rule of thumb where other local planning authorities have set

thresholds within development plan policies these 'typically' range between 30 to 50% (footprint, floorspace and/or volume increase) in determining whether householder extensions are disproportionate to the original dwelling.

Notwithstanding the degree of judgement involved in firstly determining whether a development proposal is inappropriate (by reason of being disproportionate to the original building) it is useful to understand the size of the proposed extensions compared to the original dwelling as shown in the table below:

	Original dwelling	Proposed extensions	Proposed demolition	% Increase (proposed extension - demolition)
Floorspace	109.7m ²	56.5m ²	12.3m ²	40.3%
Footprint	61.7m ²	56.6m ²	12.3m ²	71.6%
Volume	330.3m ³	143m ³	34.4m ³	32.9%

(Officer's calculations are measured externally)

Looking at the calculations above, it is clear that the proposed extension would add substantial built form to the building. I acknowledge that the proposed floorspace and volumes are below a 'typical' 50% threshold. However, the proposed footprint does go beyond this quantum. The difficulty therefore in this case is to what degree one should consider a 'breach' of a rule of thumb threshold on one of three metric calculations goes to the heart of a conclusion of a disproportionate addition.

I am mindful that neither the NPPF nor the policies within the Core Strategy set out a specific percentage when considering what constitutes an addition to an existing building being disproportionate. I equally note that there is no guidance as to how an addition should be measured, relative to whether one can have regard (and the degree to which a decision-maker should have regard) to footprint, volume, and floorspace. The applicant's agent has made strong representations that there are limited examples of cases where footprint alone is a valid reason to conclude a disproportionate addition and thus inappropriate development in green belt terms.

Contrary to this view, officers consider as a matter of principle that footprint alone is capable of being of relevance in making a determination on disproportionality. In this case officers conclude that the proposal is, as a matter of judgement a disproportionate addition to the original dwelling. As a matter of policy the proposal therefor represents inappropriate development in the Green Belt.

Plantation Cottages lie on the edge of the village, and whilst they do form a cluster of built form on the edge of the village, the experience of a receptor in this area is one of a rural and open character. Indeed this is what Green Belt designations seek to retain through limiting further development. Whilst there is surrounding built form, this does not mean that additional building is acceptable in principle.

The proposed addition would in part replace an existing offshoot which sits subservient to the host building and is small in scale. The replacing structure would be considerably larger and would extend half the depth of the original dwelling and along almost the entire length of the rear garden afforded to the property, as well as across the entire width of the dwelling. This in my view would significantly reduce the openness of the site and alter the appearance of the site within this row of dwellings. I appreciate that the extension would be largely to the rear of the dwelling, and thus visibility from the public realm is much reduced. However the addition would still have a bulky appearance that would dominate the garden to the rear and leaves a reduced private garden area for the property which in my view is a symptom of the overdevelopment of the plot.

The side addition would also be visible from the front of the property and would be substantial in size, particularly when compared with the adjacent properties. This increase in built form within the site would in my view tip the balance of acceptable development within the Green Belt. I do attach weight to the surrounding built form, but as mentioned in the previous paragraphs, this does not mean that development is acceptable in principle simply because the building is located within a built up part of the Green Belt designation. A modest addition to the building, much reduced from that submitted, could be considered appropriate given the surroundings. However no amendments to reflect officer concerns have been forthcoming from the applicant.

Allowing the application with a footprint of 71.6% increase would in my view set a precedent for what is considered by this Authority as 'proportionate'. If this was repeated (something which we would find very difficult to resist) to all of this row of dwellings the appearance of this part of Epperstone would be greatly altered to the detriment of the aims of the Green Belt designation. Notwithstanding this however, I consider the application on its own to be harmful to the openness of the Green Belt and further additions in this area would only result in further harm.

During the lifetime of the application, officers have been in discussions with the applicant's agent regarding the size of the extension. The applicant's agent has referred to previous extensions in Epperstone that the LPA have permitted when the floorspace of the additions have been greater than 50%. Having looked at these applications, officers have weighed up the impact upon the openness of the Green Belt against other factors, with proposed increases being less than that proposed as part of this application. I am therefore satisfied that there are material differences between these cases.

The applicant's supporting letter dated 7th May 2019 provides commentary on some of the discussions held and also references officers' advice that there are no direct comparisons to the proposal at 5 Plantation Cottages. This is correct in that recently refused applications within the Green Belt have resulted in the floorspace also being greater than 50% along with footprint whereas the application under consideration now only has a footprint larger than 50%. This does not however suggest that the current application is acceptable as footprint is given the same weight as floorspace in indicator calculations; it is simply the individual circumstances of the application that have led to only one calculation being over the threshold and Members will be mindful that the LPA must assess each application on its own merits.

I also think it is worthy to note that with regards to the lack of 'similar' (my emphasis added) planning applications, Officers are proactive in seeking to reduce unacceptable applications before they are determined where there is scope to amend and as such many applications are amended to reduce floorspace and footprint rather than receive a refusal decision. Recent applications which have been negotiated by Officers include a reduction in footprint of a single storey rear extension to 50% at 8 The Green, Lowdham, determined under planning application reference 18/01879/FUL; a negotiated reduction in footprint on a dwelling from 72.5% to under 50% at Malvern, Main Street, Oxtun under planning application reference 18/00784/FUL and a reduction in proposed footprint at 31 Elmcroft, Oxtun from 62% to 33% under planning application reference 18/00936/FUL. Officers have made attempts to seek amendments to this scheme however the reductions informally proposed by the applicant did not go far enough to overcome the issues relating to the Green Belt.

On the basis of the above, I am of the opinion that the proposal is contrary to the aims of Paragraph 145 of the NPPF and therefore would not preserve the openness of the Green Belt.

Visual Impact (including the impact upon the character of Epperstone Conservation Area)

Core Policy 9 and Policy DM6 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. The NPPF also states that good design is a key aspect of sustainable development.

In addition to the above, the site is located within Epperstone Conservation Area. Proposals should therefore be sensitively designed so as to not harm the setting of these heritage assets in accordance with Section 16 of the NPPF along with Core Policy 14 of the Core Strategy and DM9 of the DPD.

In terms of its impact upon the Conservation Area, Members will note the comments from the internal Conservation Officer raising objection to the scheme, and from a design perspective I would concur with this view. I would agree that the dwelling makes a neutral contribution to the Conservation Area and thus a well-designed extension to the building is unlikely to be harmful to the character and appearance of the dwelling within the historic setting. If Members are minded to approve the application, I would draw their attention to the conditions suggested by the Conservation Officer with regards to materials.

In addition to the above, the proposed extension would be subservient in height to the host dwelling and whilst the addition would somewhat sit at odds with the main dwelling in terms of its design with the use of modern materials and larger glazing elements, I am of the view that the extension largely references the host building and the modern elements are carefully built in to the design so as not to become overbearing upon the host dwelling.

Weighing up the assessment above, I am of the view that whilst the proposal would take up a substantial amount of the properties private garden area to the rear of the property, overall I consider that the design of the proposal is acceptable, preserving the character and appearance of the Conservation Area and as such I do not consider the land take to the rear to be so detrimental so as to warrant the refusal of the application on this basis. However, it is my view that this acceptable design does not outweigh the concerns regarding the impact upon the Green Belt.

Impact on 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 NPPF also seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

The proposed extension would be located along the boundary with the neighbouring property (no.4) to the west and would almost adjoin the neighbouring property to the east (no.6).

Turning first to no.6, this property has an existing rear extension that is similar in length to that proposed along the rear elevation of no.5 and therefore I would not expect this element to have a detrimental impact upon this neighbouring property. There would also be a separation distance of approximately 4m from the side of the larger proposed rear offshoot to no.5 and the eastern boundary with no.6 which given the single storey nature of the proposal, I consider to be sufficient to limit any overshadowing or overbearing impacts. I am mindful that 2no. full height windows are proposed on the eastern elevation of the extension which would serve a bedroom. There is a hedgerow separating the properties, although when I visited the site in February 2019 this is sparse in places. Whilst not an ideal relationship, these windows are at ground floor level where side windows are, through permitted development, acceptable and as such I think it would be difficult to defend a decision of refusal on the basis of the impact of these windows. If Members are minded to approve the application, they may wish to discuss whether it would be appropriate to condition these windows to be obscurely glazed to protect amenity.

With regards to the neighbouring property to the west, the proposed extension would extend along the shared boundary for 13m with a maximum ridge height of 4.5m. The boundary treatment along this boundary is currently a low picket fence and thus the properties have an open feel to them which is enjoyed along the row of Plantation cottages. Whilst the roofslopes would slope away from the boundary, this maximum height would be fairly substantial along the boundary, although I am mindful that some of the proposed extension would have lower ridge heights of 4.1m and 3.5m. Much of the extension would however have a ridge height of over 4m which I consider likely to have an overbearing impact upon the neighbouring property, particularly as it would extend along the majority of the shared boundary, with the exception of approximately 3m at the very rear of the boundary. I acknowledge that the gardens are north-east facing and as such receive little sunlight during the day, meaning that the extension is unlikely to result in overshadowing of the neighbouring property. However I consider that this length and height of extension along the boundary is likely to have a detrimental overbearing impact upon neighbour

amenity through the bulk and length of the built form. This could be addressed through reductions, however as detailed above, reductions have not been forthcoming from the applicant, although I will stress that these discussions regarding amendments have been centred around Green Belt impacts. I therefore consider the impact upon the neighbouring property at 4 Plantation Cottages to be contrary to Policy DM6 of the DPD in respect of protecting the amenities of neighbouring properties, which is also reiterated within the NPPF.

Planning Balance and Conclusion

The proposal seeks consent for the demolition of an existing rear offshoot followed by the erection of side and rear extension to the dwelling which is located within the Nottingham-Derby Green Belt and Epperstone Conservation Area.

In this instance, it is concluded that whilst the proposal would have no significant impact upon the character and appearance of the Conservation Area, the proposal is disproportionate in Green Belt terms, proposing an increased footprint of 71.6%. For this reason, I conclude that the proposal would represent inappropriate development in the Green Belt, which paragraph 143 of the Framework states is, by definition, harmful and should not be approved except in very special circumstances. There are no very special circumstances in this case. Paragraph 144 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt.

Alongside the impact upon the Green Belt, the proposal, by virtue of this overall length and proposed height along the shared boundary with 4 Plantation Cottages to the east of the site, would have an overbearing impact upon this neighbouring property that it considered to be detrimental. The proposal would extend almost the full length of the neighbour's rear garden, creating a large expanse of blank wall along this boundary which is currently open with a low picket fence. As such, it is concluded that the proposal fails to accord with Policy DM6 of the DPD with regards to neighbour amenity.

In conclusion, it is considered that the proposal is contrary to local and national planning policy and Officers therefore recommend to Members that the application is refused.

Recommendation

That full planning permission is refused for the following reasons;

01

In the opinion of the Local Planning Authority the proposed extension would result in a disproportionate addition to the original dwelling that would harm the openness of the green belt. It would therefore constitute inappropriate development within the Green Belt. There are no very special circumstances to outweigh this harm by reason of inappropriateness. The proposed development would therefore be contrary to Spatial Policy 4B (Green Belt Development) of the

Newark and Sherwood Amended Core Strategy (2019) and the National Planning Policy Framework (2019), a material planning consideration.

02

In the opinion of the Local Planning Authority, due to the scale, massing and siting, the extension is considered to result in an unacceptable overbearing impact upon the adjacent property, 6 Plantation Cottages, to the detriment of the occupiers. As such the proposal is considered to be contrary to Core Policy 9 (Sustainable Design) of the Amended Core Strategy (adopted March 2019) and Policies DM5 (Design) and DM6 (Householder Development) of the Allocations and Development Management DPD adopted 2013 as well as Chapter 12 of the NPPF (2019) and adopted Newark and Sherwood Householder Design Guide SPD which are material planning considerations.

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/

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.

Matt Lamb
Director Growth & Regeneration

Committee Plan - 19/00246/FUL

