

PLANNING COMMITTEE – 2 JULY 2019

Application No:	19/00768/FUL	
Proposal:	Erection of a new single storey bungalow with existing access and driveway from Archers Drive, and erection of a new boundary wall	
Location:	Land To The Rear Of 15 Cheyne Drive, Bilsthorpe, Nottinghamshire, NG22 8SB	
Applicant:	Mr G Powell	
Registered:	26.04.2019	Target Date: 21.06.2019

This application is referred to the Planning Committee in line with the Council's Scheme of Delegation as the recommendation of refusal is contrary to the view of the Parish Council who support the scheme.

The Site

The application site comprises land to the west of no. 15 Cheyne Drive, Bilsthorpe. The site measures c. 13 m x 17 m and is currently used as garden land and hardstanding for vehicular parking. There is a large timber outbuilding on the site which is positioned adjacent to the western boundary with no. 1 Archers Drive. To the east the land level increases by c.1.5 m meaning no. 15 Cheyne Drive is on significantly higher ground level than the application site. This boundary is treated with different levels of close boarded fencing and some hedging to the north of this common boundary. The northern boundary is treated with a c. 1.2 m high red brick boundary wall and to the south the boundary comprises a close boarded fence.

The area is characterised by dormer bungalows of a similar appearance which follow a uniform building line along Archers Drive to the west and similarly on Cheyne Drive to the south (albeit these properties are staggered within their plots). Plots along Archers Drive are uniform in size.

Relevant Planning History

No relevant planning history in relation to the site itself, however the applicant has made reference to the following planning application in the vicinity:

31 Wycar Road, Bilsthorpe (known as 2A Cheyne Drive)

- 15/00302/FUL - Erection of 1 No. bungalow (Resubmission of 14/01653/FUL) – Permitted 14.04.2015
- 14/01653/FUL - Two semi-detached bungalows – Refused 13.11.2014

The Proposal

For the avoidance of doubt, revised plans have been received throughout the course of this application. As such the plans to be considered are:

- Proposed Site Plans Rev 2,
- Proposed Ground Floor Plans Rev 2,
- Proposed First Floor Plans,
- Front and Rear Elevations Rev 2,
- East and West Elevations Rev 2 (received 10.6.19)
- Location Plan - 10.6.19
- Boundary Wall Elevations – 19/04/06

The application seeks permission for the erection of a 2 bedroom single storey dwelling. The property would be positioned to the west of the existing property on the site (15 Cheyne Drive) and would front on to Archers Drive. The dwelling would measure c. 9 m wide by 7 m deep, 5.9 m to the ridge and 2.4 m to the eaves. The site measures c. 13 m x 17 m and the private amenity space provided to the rear (S) and side (E) would be c. 65m² (13.5 x 3.1 (S) + 7.5 x 3.1 (E)) (not including the 1.5 m wide walkway to the west side of the new dwelling).

Existing parking space to the north of the proposed dwelling is proposed to remain as hardstanding to accommodate 2 off street parking spaces. To the east of this would be a lawned front garden area which is c. 6 m x 6 m.

In terms of design the dwelling is proposed to be a single storey dormer bungalow, the front elevation (north - facing) would have two gable fronted dormer windows set back from the eaves, two windows and a door at ground floor, the west and east side elevations are proposed to be blank and the rear elevation would have two windows and a back door.

Materials are proposed as red/buff facing bricks, red concrete roof tiles and white uPVC frames. Boundaries are proposed to be wooden fence panel (c. 2 m) to the east, south and west.

Internally the dwelling would comprise a kitchen dining area, a living room, bathroom and office/store and at first floor there would be two bedrooms. The property is proposed to be sited approx. 3.2 m from the eastern common boundary, 3.1 m from the southern rear boundary, 1.5 m from the western side boundary and 6 m from the boundary with the highway to the north.

Retrospective permission is also sought for the erection of a Brick Wall to the north and east of the hostdwelling, no. 15 Cheyne Drive. To the east the wall is 1.5 m in height with a 1.25 m opening for a pedestrian gate and a 3.65 m opening for a vehicular access, both had traditional 5 bar gate style gates. To the north east the wall follows the curve of the plot at 1.3 m in height increasing to 1.7 m in height, along the north a 14.4 m expanse of wall has been erected decreasing to 1.2 m in height.

The proposed dwelling will utilise the existing dropped access point to the north-west of the site.

Gross Internal Floorspace Proposed: 108m²

External Private Amenity Space: 65m²

Departure/Public Advertisement Procedure

Occupiers of 9 neighbouring properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Spatial Policy 7 – Sustainable Transport

Core Policy 3 - Housing Mix, Type and Density

Core Policy 9 – Sustainable Design

Core Policy 10 – Climate Change

Allocations and Development Management DPD (adopted July 2013)

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy

Policy DM5 – Design

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material considerations

National Planning Policy Framework (NPPF) 2019

National Planning Practice Guidance (PPG) 2014

Consultations

Bilsthorpe Paris Council – Support the proposal.

NCC Highways – “This proposal is for the erection of a bungalow served by the existing access from Archers Drive and includes a new boundary wall. There is also a gated access from Cheyne Drive, but no dropped kerb in place. This will result in vehicles ‘bumping’ over the existing kerbs causing damage which is unacceptable. Therefore, a dropped kerb access is required to be constructed for this purpose.

The existing dropped kerb access on Archers Drive will require extending to accommodate the parking facilities for the proposed dwelling.

In view of the above, there are no highway objections to this application subject to the following:

01

No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing on Cheyne Drive is available for use and the existing dropped kerb access on Archers Drive is extended to accommodate 2 vehicles parked ‘side by side’ and constructed in accordance with the Highway Authority’s specification. Reason: In the interests of highway safety.

02

No part of the development hereby permitted shall be brought into use until the parking areas for both dwellings are provided and surfaced in a bound material (not loose gravel) for a minimum distance of 5m behind the highway boundary. The surfaced parking areas shall then be maintained in such hard bound material for the life of the development and shall not be used for any purpose other than the parking of vehicles. Reason: To ensure adequate parking is provided for the proposed development and to reduce the possibility of deleterious material being deposited on the public highway (loose stones).

Note to applicant

The development makes it necessary to construct a vehicular crossing and alter an existing vehicular crossing of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.”

Neighbour/Third Party comments – Comments have been received in objection to the proposal from two neighbouring properties on the following grounds:

1. Concerns regarding overlooking into 13 Cheyne Drive from windows proposed on the new dwelling.
2. Concerns regarding amenity impacts as a result of the proposed patio area.
3. Concerns regarding overshadowing as a result of the new dwelling impacting a vegetable garden belonging to a neighbour that has been in use 30+ years.
4. The proposed plans do not adequately consider access arrangements for the existing and proposed dwelling.
5. The site is currently used to park commercial and private vehicles from the business operating from the premises, concerns regarding where these would be displaced to if this application is permitted.
6. There is no regard to the changes to services to the property. There are infrastructure issues existing on site in relating to sewerage capacity.
7. Concern regarding access for delivery vehicles and the capacity of the road network and the inconvenience to residents of services needing to be connected to the existing infrastructure.

Comments of the Business Manager

The application site sits within the defined urban limits of Bilsthorpe, which represents a Principle Village, as defined by Spatial Policy 1 of the amended Core Strategy (2019). Spatial Policy 2 outlines the distribution of growth in the District and confirms that the provision of new housing within Bilsthorpe will be sought in the village for regeneration purposes. The principle of new housing development is therefore appropriate. However it remains necessary to appraise the development to assess impacts on the character and appearance of the area, residential amenity considerations, impact on highway safety and impact on ecology.

Impact on the Character and Appearance of the 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 local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

There are two elements to the scheme which I assess below in turn.

Boundary Wall

The application seeks retrospective permission for the erection of a boundary wall to the north and eastern boundaries of the hostdwelling. To the east the wall is c.1.5 m in height with a 1.25 m opening for a pedestrian gate and a 3.65 m opening for a vehicular access. Both have traditional 5 bar gate style gates that open inwards. To the north east, the wall follows the curve of the plot at 1.3 m in height increasing to 1.7 m in height. Along the north a 14.4 m expanse of wall has been erected decreasing to 1.2 m in height surrounding the plot; an access gap exists on the NE corner to allow for vehicular access.



The wall is constructed in red brick with concrete coping and is not out of character with the surrounding area; properties along Cheyne Drive have front boundary walls of a similar style and given the materials and proportions. As such I consider it to accord with policies DM5 and CP9.

New Dwelling

The application site is located within a residential area that is characterised by dormer bungalows of a similar appearance which follow a uniform build line along Archers Drive to the west and similarly on Cheyne Drive with detached 2 and single storey dwellings to the south (albeit these properties are staggered within their plots). Plots along Archers Drive are uniform in size – an anomaly to this is the application site which forms part of the rear garden of no. 15 Cheyne Drive.

The site is set on lower ground level than the hostdwelling which lies to the east such that the site is on a similar level with no. 1 Archers Drive. The application proposes the erection of a 2 bedroom dormer bungalow which would have a blank gable end facing east and west and two gable fronted

dormer windows on the front elevation – the dwelling itself would be relatively simple in design constructed from bricks and tiles to match the surrounding properties. However, it would contrast with the design of surrounding properties on Archers Drive which are all dormer bungalows of a different style, with a single projecting gable and a small flat roof dormer sat back from the eaves (along the southern side of this street) and a mix of dormer bungalows and gable end facing the road dormers on the north side. As such the design of the dwelling as well as the positioning of the dwelling within the plot and plot size is considered to be out of keeping with the surrounding area.

In terms of layout, the southern side of Archers Drive is characterised by dormer bungalows with a discernible building line and a direct frontage onto the street. The proposed dwelling would be sited forward of this prevailing building line by c.1.5 m which would heighten its prominence within the street scene and conflict with the overall urban grain. The surrounding roofscape comprises simple pitched roofs and chimney pots. There is a great degree of uniformity on this side of the street in terms of the steady decreasing building height to the west, appearance, window proportions and architectural detailing. There are examples of car port extensions but these occupy the spaces in between the detached bungalows.

The design of this dwelling when set against the neighbouring dormer bungalow properties, coupled with the proximity of the building to the rear boundary of the application site, means that it would appear squashed within the plot. The rear of the building would be in close proximity to the rear boundary with very limited amenity space provided to the rear. To the side of the building would be limited circulation space (c.1.5 m to the west and 3.2 m to the east) and given the size of the plot limited amenity space can be provided within the site. Overall, the provision of a two bedroom bungalow would appear cramped within the site with inadequate amenity space particularly when compared with the plot sizes of surrounding properties on Archers Drive. I therefore consider the proposed layout is inappropriate and would represent overdevelopment which would appear incongruous within the streetscene to the detriment of the character of the area.

Furthermore the fenestration pattern would be at odds with the prevailing character of the properties to the west. As a result, the proposed building would fail to address the prevalent characteristics of the street and the juxtaposition of the building in terms of its scale within the site and design, with the adjacent row of dormer bungalows which heighten its incompatibility. Overall, the proposal would be a visually discordant and disharmonious addition to the street scene.

I therefore conclude the proposal would conflict with Core Policy 9 of the Amended Core Strategy (2019) and Policy DM5 of the Allocations and Development Management Development Plan Document 2013. Collectively these policies seek a high standard of design which contributes to local distinctiveness whilst having regard to scale, form and amenity. I also find conflict with paragraph 130 of the National Planning Policy Framework (NPPF) which states that development should be refused if it constitutes poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Impact upon Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future

occupants of land and buildings.

Boundary Wall

The boundary wall is sited at the back edge of the footpath and follows the boundary line of the application site. The proportions of the wall are as such that they do not impact any surrounding property through overbearing or overshadowing impacts. The wall is separated from neighbouring occupiers and accords with policy DM5 of the ADMDPD.

New Dwelling

When considering applications for new dwellings Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. An assessment of amenity impact also relates to both the existing neighbouring occupiers and the occupiers of the proposed dwelling in terms of the amenity provision.

The dwelling would be sited in a small plot between no. 1 Archers Drive to the west and no. 15 Cheyne Drive to the east – the site would also share a boundary with no. 13 Cheyne Drive. The new dwelling would be sited approx. 3.2 m from the eastern common boundary (5 m from the rear elevation of no.15 Cheyne Drive), 3.1 m from the southern rear boundary, 1.5 m from the western common boundary (4 m from the blank side elevation of no. 1 Archers Drive) and 6 m from the boundary with the highway to the north (properties to the north are in excess of 15 m from the front elevation of the new dwelling). Given the design of the dwelling and the positioning of the windows in relation to windows on neighbouring properties I do not consider there would be any impact to neighbouring occupiers through overlooking. I note the comments received by a neighbouring occupier (no. 13 Cheyne Drive) that has concerns regarding overlooking into their private amenity space. However I consider that given the windows on this elevation of the dwelling would be at ground floor and screened by boundary treatment which would be a c.2 m close boarded fence and the dwellings on Cheyne Drive are set on slightly higher ground level such that I consider it more likely that the new dwelling itself would be overlooked by the properties to the SE, albeit at an oblique angle.

I do however consider that the separation distance between properties are close and could result in an overbearing/oppressive impact on neighbouring properties, particularly no. 15 Cheyne Drive. Whilst the applicant is currently residing in this property it is important to consider the amenity impact on potential future occupiers as well as present and the impact that development could have on their amenity. Given the difference in land levels I accept that it is unlikely that there would be a significant overshadowing issue on no. 15 particularly given the orientation of the new dwelling. However I am concerned that the separation distance here (c.5 m side to rear) would result in an unacceptable impact through overbearing, particularly as the eastern gable is proposed to be c. 7 m wide and blank. The windows on no. 15 Cheyne Drive that would be impacted as a result of this development appear to serve a kitchen and bedroom and appear to be the only windows serving these rooms. However, given the difference in land level, which is c. 1.5 m, the ridge would appear to be 4.5 m which would be lower than the ridge of no. 15. Nevertheless I consider the impact on this neighbouring dwelling would be an oppressive overbearing impact that would unduly impact the amenity of future occupiers.

Turning now to consider the amenity of the future occupiers of this proposed dwelling it is important that a reasonable amount of private garden area commensurate to the size of the dwelling is provided to serve the occupiers. The application seeks permission for a two bedroom bungalow that, given its size, could accommodate a family. The amenity space provided would be c. 65m² to the rear and side which I consider to be on the cusp of acceptability in relation to the size of the dwelling (I note that approx. 36m² of grass would be provided to the front of the dwelling adjacent to the car parking area however I do not consider this space is usable as private amenity space by virtue of its location). I therefore have concerns that future occupiers would be deprived of adequate access to private external space resulting in inadequate living conditions and in this regard I consider the proposal fails to accord with Policy DM5 of the Allocations and Development Management DPD.

Impact on Highway Safety

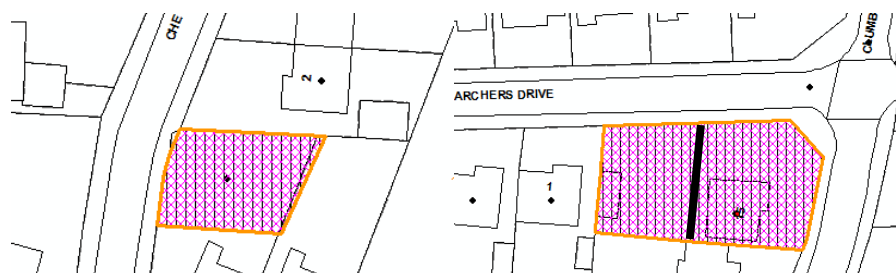
Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

This proposal would utilise an existing access from Archers Drive and includes a new boundary wall which has been assessed by NCC Highways who raise no objections. There is also a gated access from Cheyne Drive included within the new boundary wall that does not have a dropped kerb in place. This will result in vehicles 'bumping' over the existing kerbs causing damage which NCC Highways have advised is unacceptable. Therefore, a dropped kerb access is required to be constructed for this purpose and can be controlled via condition. The existing dropped kerb access on Archers Drive which would serve this new dwelling will also require extending to accommodate the parking facilities for the proposed dwelling. This can also be controlled via condition if Members were minded to approve the scheme. Given that there is adequate space to park two dwellings off the highway for this new dwelling NCC Highways have commented raising no objection to the proposal subject to conditions.

The proposal is therefore considered to be in accordance with Spatial Policy 7 of the Core Strategy DPD.

Other Matters

Throughout the course of the application the applicant has made reference to an application further SE on the corner of Cheyne Drive and Wycar Road (known as 2A Cheyne Drive) to justify the level of amenity space and design of the new dwelling in relation to the character and appearance of the wider area. In this case planning permission was granted for the erection of 1 no. bungalow in 2015 under reference 15/00302/FUL. This 2 bed dwelling was approved with c.70m² private amenity space to the rear of the dwelling and was set within a plot c. 24m deep by 18m wide. Whilst the dwelling sat forwards of the side of no. 31 Wycar Road and front of no. 2 Cheyne Drive I note that the character of the area surrounding this plot is discernibly different to the application at hand, such that there was not a prevailing character of either building type or urban grain to maintain.



Every application must be assessed on its own merits and without prejudice and given the differences of these two cases I am satisfied that a precedent has not been set here that would influence my assessment of this application at hand.

I note that comments have been received with regard to the impact on the new dwelling on the capacity of the existing service infrastructure on Archers Drive, the impact of delivery vehicles and the capacity of the road network in addition to the inconvenience to residents and the use of the site currently to park commercial and private vehicles for business purposes that operate from the site. I will now address these points in turn.

With regard to the impact on the existing service infrastructure, such as sewerage capacity I would consider that the addition of one new dwelling is unlikely to have a significant impact on the capacity of the existing infrastructure that would warrant the refusal of this application. Indeed STW have not comments on the scheme despite being aware of the application from the weekly planning lists. Similarly the disruption to neighbouring occupiers through construction works is not considered to be an overriding factor either – the construction period for one new dwelling is likely to be short term and would not significantly disrupt neighbours to warrant the refusal of this application. The comments received also make reference to the displacement of commercial and private vehicles as a result of this application and the impact on the capacity of the highways network – these vehicles are allegedly parked on the site in association with a business that is operating from the premises. I note that there is no site history to this site that authorises the business use of this property; however I also note that there is limited planning control for the parking of vehicles. Nevertheless I have referred this concern to the planning enforcement team for investigation. The application makes provision for two off street parking spaces for this new dwelling as well as space for the existing property to park vehicles off the highway. There has been no objection from NCC Highways on the grounds of highways safety and as such I do not consider there to be an impact on the highways network that would warrant the refusal of this application.

Planning Balance and Conclusion

The principle of this development in this location is considered to be acceptable and accords with the Development Plan. Nevertheless I have concluded that the development would have a detrimental effect on the character and appearance of the area as it would result in development that does not conform with the prevailing grain of the area, would represent an over intensive form of development resulting in a dwelling with a plot size significantly smaller than its surrounding which results in a lower quantum of private amenity space than one would ordinarily expect and separation between properties that are inadequate, in conflict with Core Policy 9 of the Amended Core Strategy (2019) and Policy DM5 of the Allocations and Development Management Development Plan Document 2013.

I acknowledge that the proposal would provide additional housing, thus making a contribution to housing supply in an urban area. I note that the proposed would align with the aims of the NPPG and the Housing White Paper in terms of boosting housing supply by providing homes that would be sold or rented and potentially increasing housing densities. Whilst these matters carry weight in favour of the application, the benefits of the addition of one residential unit is limited in scope and does not outweigh the harm I have identified on the character and appearance of the area and amenity of existing and future occupants. I therefore recommend that planning permission be refused.

RECOMMENDATION

That planning permission is refused for the following reason:

01

In the opinion of the Local Planning Authority the proposed development, by reason of its design, scale and layout would result in an over-intensive, cramped development in relation to its boundaries and result in an incongruous form of development that would have a detrimental visual impact on the street scene and character of the area. The proposal fails to conform with the prevailing grain of the area, would represent an over intensive form of development resulting in a dwelling with a plot size significantly smaller than its surrounding which results in inadequate private amenity space and separation between properties. Consequently the proposal is contrary to Core Policy 9 (Sustainable Design) of the adopted Amended Core Strategy (2019) and Policy DM5 (Design) of the adopted Allocations and Development Management DPD (2013) which together form the relevant parts of the Development Plan as well as section 12 of the National Planning Policy Framework, which is a material planning consideration.

Note 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

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/. 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

BACKGROUND PAPERS

Application case file.

For further information, please contact Honor Whitfield on ext. 5827.

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 - 19/00768/FUL

