

PLANNING COMMITTEE – 8 OCTOBER 2019

Application No: 19/01287/FUL

Proposal: Demolition of an existing dwelling and outbuildings and erection of a replacement new 3 bed dwelling

Location: 2 Brackner Lane, Bilsthorpe

Applicant: Mr & Mrs Arkley

Agent: Vale Planning Consultants – Mrs Helen Broadhurst

Registered: 12 July 2019 **Target Date:** 6 September 2019

Extension of Time Agreed Until 10 October 2019

Website Link: <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PUBIK9LBKAY00>

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as the view of Bilsthorpe Parish Council differs to the professional officer recommendation.

The Site

The application site relates to a roughly rectangular residential curtilage, approximately 730 sq m in area that currently accommodates a modest 3-bed bungalow with gabled pitched roof and detached garage to the east. With a footprint of approx. 83 sq m and eaves height of 2.9m and ridge of 6.6m, the bungalow sits set back from the road by approx. 7m and has a rear garden measuring approx. 20m by 20m. The site is bounded by close boarded timber fencing approx. 1m in height. It is accessed from a narrow single-width, tarmac, private road leading from Brackner Lane, which serves two dwellings and terminates in a commercial premises that manufactures fire and acoustic doors for the construction industry.

Immediately to the west of the site is another modest dormer bungalow, of very similar size, design and siting on a similar sized plot and probably built at the same time as the bungalow within the application site. Other than this, the site is surrounded on all sides, by open fields, used for arable farming.

The site is situated to the south-east of the settlement of Bilsthorpe, to the south-west of the Belle Eau Park Industrial Estate and directly north of Hexgreave Park.

Relevant Planning History

The planning history reveals that the commercial premise at the end of Brackner Lane was once a hatchery and the two adjacent bungalows (No. 1 and 2 Brackner Lane) were built to house agricultural workers for that business.

FUL/941018 - Removal of agricultural tie as to the occupancy of the dwellinghouses, approved 09.11.1994

19/00217/FUL - Demolition of existing dwelling and out-buildings and erection of a replacement new 3 bed dwelling was refused under delegated authority on 30.04.2019 for the following reason:-

“In the opinion of the Local Planning Authority, the proposed replacement dwelling would, by virtue of the significant increase in built form, contrasting layout and position within the site in comparison to the existing dwelling and immediately neighbouring property result in a material adverse impact on the character and appearance of the site and surrounding open countryside. The proposed dwelling is not considered to be of a similar size or scale to that being replaced. As a consequence, the proposal would also result in a detrimental impact upon the amenity of its occupiers of the neighbouring property by virtue of a materially adverse overbearing impact. An increased perception of overlooking upon the occupiers, by virtue of the layout of the proposed dwelling which includes a long west facing elevation containing large windows at ground and first floor level that would dominate the neighbouring property would also occur. Overall, the development would be contrary to the guidance within Core Policy 9 and Core Policy 13 of the Amended Core Strategy and Policies DM5 and DM8 of the Allocations and Development Management DPD, in addition to the guidance contained within the NPPF which is a material planning consideration.”

The applicants have appealed against this decision which is currently going through due process at the Planning Inspectorate.

The Proposal

The proposal seeks planning permission for the demolition of all existing buildings on the site and the erection of a two-storey 3-bed dwelling and an attached flat roof garage. This re-submission seeks to address the previous reason for refusal by submitting a scheme with some adjustments albeit the general layout reflects the refused application.

The amendments can be summarized as follows:-

- The 2 storey element of the proposed dwelling has been reduced in height by approximately 0.4m;
- The overall footprint of the proposed dwelling has been reduced notably by reducing the width of the garage by approximately 0.7m;
- The windows have been altered at first floor level in the west elevation (facing the neighbour);
- Two windows serving a bathroom and en-suite have been re-sited from the west elevation to the gable ends.
- Three high level roof lights added to the west elevation.

The following description states the measurements for the current application and then the dimensions of the previous application in brackets.

The dwelling would be positioned approx. 2.5m (1.8m) from front of the site (side on to the road) and bounded by structured evergreen hedgerow planting and timber fencing on all boundaries. The proposed fencing would be 'low' level on all boundaries apart from the boundary adjacent to the neighbouring property where it would be 1.8m high close-boarded timber fence.

The proposed new dwelling has a footprint approx. 126.5 sq m (133sqm), which represents a 52% (60%) increase in comparison to the existing dwelling. It is two storey in height with a pitched roof above and a ridge height of approximately 7m (7.4m). The single storey flat roof garage positioned at the front of the dwelling would have a constant height of 2.9m (3.1m). The floor area of the existing dwelling measures 98.33sqm excluding the detached garage and the proposed dwelling measures 172.8 sqm (183sqm), which is an increase of 74.5m (84.7m) or an 75.8% (86%) increase over the existing.

The building has a simple rectangular form with a metal clad finish on the east facing elevation and the roof, with timber cladding on the front and rear facing gables as well as the west facing elevation. Large modern glazed openings are proposed on all of the elevations, although the western elevation facing the neighbour as at first floor level, has reduced the number of windows from 5 (serving bathroom, en-suite, stairs/landing, and dressing room) down to 2 windows (serving dressing room and stairs/landing) and three high level rooflights.

The proposed new dwelling accommodates a large integral garage, utility room and office within the single storey element at the front of the site. Beyond this, at ground floor level, the dwelling provides a hallway, snug, shower room and open plan kitchen, living and dining space. At first floor level, the accommodation offers a family bathroom and three bedrooms, with the main bedroom served by an en-suite and dressing room.

A combined Planning, Design and Access Statement has been submitted in support of the application.

The plans considered by this application comprise:-

- Site Location Plan (Drawing No: 001)
- Proposed Plans (Drawing No: 002b)
- Proposed Elevations (Drawing No: 003b)

Departure/Public Advertisement Procedure

Occupiers of three 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 3 – Rural Areas
Spatial Policy 7 - Sustainable Transport

Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 -Sustainable Design
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character

Allocations & Development Management DPD

DM4 – Renewable and Low Carbon Energy Generation
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM8 – Development in the Open Countryside
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance
- Newark and Sherwood Landscape Character Assessment SPD

Consultations

Bilsthorpe Parish Council – Support the proposal.

One representation has been received from one local resident/interested party which can be summarised as follows:

- The proposed building is not of similar size, scale and siting as the original dwelling that is to be replaced, contrary to Policy DM8 – less than 30% of the existing bungalow's current footprint (as in physical position within the plot) will be used for the replacement dwelling;
- The proposed building has an over bearing impact on the neighbouring property, due to the re-orientation and its length beyond the rear elevation of the existing bungalows;
- The plot is not large enough to suitably accommodate the proposals being put forward;
- The proposed building will result in loss of amenities for the neighbouring property;
- The proximity of the proposed single storey element to the road (4.5m closer) will greatly reduce the visibility for vehicle exit for both the properties;
- The proposed building does not conform to the design and style of any local buildings – either existing dwellings (brick and pantile) or any local agricultural buildings;
- Re-positioning of the access makes it closer to the neighbouring property resulting in vehicles engines and headlights becoming more intrusive;
- There have been some small changes made from the previous application, but it does not go far enough;
- The criticism of the design and architecture of the existing bungalow is unnecessary and belittling;
- The neighbouring bungalow does not have a higher ridge than the existing application bungalow;
- Whilst the proposed dwelling appears to have a more similar height of the existing bungalow, the length is still substantially longer than the existing;
- The footprint of the proposed is 42% bigger than the existing and so it not similar in size, scale or siting;

- The only window currently facing the neighbouring property to the west serves the old coal house at ground floor level (ie a non-habitable room) – the proposed dwelling shows the overall scale of the upper floor is growing significantly from one or two rooms in the narrow roofspace of the existing bungalow to a family bathroom, three bedrooms with master bedroom with ensuite and dressing room;
- If there was more than one car parked on the site, it would not be possible to turn on site and leave in a forward gear;
- The Planning and Design and Access Statement is misleading in that it refers to policies that should be applied to new dwellings not replacement dwellings and in any event the proposed dwelling is not of ‘exceptional quality or innovative nature of design;’
- Even if ‘great weight’ should be given to outstanding or innovative designs which promote high levels of sustainability – fine but not at the cost of contravening other planning regulations, including impact on residential amenity, being of similar size, scale and siting, demolishing a building that will create a carbon deficit that will take 100 years to pay back through improved sustainability of the replacement dwelling, etc;
- The supporting Statement argues the proposal will assist in raising the standards of design across this rural part of the District – should the local community be looking to demolish existing homes to live in dwellings that resemble agricultural/commercial buildings?
- When viewed from a distance the two houses plus the commercial unit will certainly look an unusual mix of buildings which is currently not the case;
- The increase in height, length and orientation will result in a greater visual impact when viewed from a distance from the east, west, south-west, south-east, north-east and north-west, but would not be visible from the south due to the hill but would have less of an impact from the north;
- It is wrong to include ancillary buildings (two green houses and a wooden shed) to calculate ‘existing’ footprint, but just seeks to justify the large increase in scale and footprint; there is nothing to stop the applicant erecting similar ancillary outbuildings without planning permission at some time in the future;
- The supporting Statement states that 117.5 sqm can be built under permitted development to the existing bungalow which appears overstated and importantly the Council would need to consult neighbours before building commences;
- It goes on to state that therefore if this GDPO approach was adopted, there could be little control by the applicant over the design – so therefore better approve the current proposal otherwise something worse could be built;
- Is it still proposed to use shipping containers in the development?
- The existing development along Brackner Lane is not sporadic – it is based on the history of the agriculture of the area – the original chicken hatchery at the end of the road had the two bungalows built for the managers of the hatchery and the larger house at the bottom of the road (Brackner House) was built for one of the more senior managers of the same poultry business. Not sporadic but reflective of the each manager’s position within the company; the proposed development would be much more sporadic.

Comments of the Business Manager

Principle of Development

The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise.

The Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management Policies DPD (2013). The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply. This has been rehearsed many times before and as such I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes of decision making.

The site is situated within the Rural Areas, as defined by Spatial Policy 1 of the Core Strategy. As such Spatial Policy 3 of the Core Strategy applies. This policy states that development not in villages or settlements, in the open countryside, will be strictly controlled and restricted and then points towards the Allocations and Development Management DPD for policies to deal with such applications.

Development in the Open Countryside is then to be assessed under Policy DM8 which under subsection 3 refers specifically to new and replacement dwellings. The policy states that *“Planning permission will only be granted for new dwellings where they are of exceptional quality or innovative design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.”*

Planning permission will be granted where it can be demonstrated that the existing dwelling is in lawful residential use and is not of architectural or historic merit. In the interests of minimising visual impact on the countryside and maintaining a balanced rural housing stock, replacement dwellings should normally be of a similar size, scale and siting to that being replaced.”

The principle of a replacement dwelling in the open countryside is therefore acceptable subject to the criteria set out within this policy.

The existing bungalow (with its agricultural tie now removed) represents a lawful residential use of modern construction with no architectural or historic merit.

Size, Siting and Position

The existing footprint of the dwelling measures 83 sqm; the footprint of the proposed dwelling measures 126.5 sqm, an increase of 43.5 sqm or 52.4% over and above the existing. The floor area of the existing dwelling measures 98.33 sqm (excluding the detached garage) and the proposed dwelling measures 172.87 sqm, which is an increase of 74.5m or a 75.8% increase over and above the existing.

The increase in the ridge height from 6.6m to 7m is not considered to be significant, however this in addition to the increase in the eaves height from 2.9m to 4.7m, together with the increase in length from 10m to 14.5m would result in a substantial increase in the mass of built form at the site. In also considering the footprint and floor area increases highlighted above together with the context of the site, which is an average sized single domestic plot with the only neighbouring dwelling being a modestly proportioned bungalow, I am of the opinion that proposed development would result in a detrimental impact on the visual amenities of the site itself, which in turn would be harmful to the rural character of the surrounding open countryside. This is further exacerbated by the complete change in the orientation of the development on the site which no longer addresses the highway, but the neighbouring property. Whilst this change in orientation may be less of an issue if the site was isolated, the presence of the adjacent bungalow with its principal elevation addressing the road in a traditional way, results in an incongruous relationship between the existing and proposed.

The supporting Statement submitted with the application states that the existing bungalow can be extended under permitted development rights by a further 117.5 sqm. It is correct that a single storey (not exceeding 4m in height) rear extension potentially measuring 8m by 10m (80 sqm) could be applied for through a prior approval process, however, the impact on the neighbour's residential amenity would have to be taken into account which may result in the need for a planning application to be submitted. It is correct that a single storey (provided the height does not exceed 3m within 2m of any boundary) side extension (following the demolition of the existing garage) measuring 5m wide by 7.5m deep could be built without further re-course to the local planning authority. These facts need to be given some weight in the consideration of this application, however, this weight should be limited, on the basis that the applicant clearly does not have any intention of building such single storey extensions to the existing bungalow as a fall back position, notwithstanding the resulting 'poor' design that the Statement considers would be the outcome. In addition, the proposal currently presented by this application is materially different to what could be built under permitted development and does require planning permission and therefore the proposed size and scale and all other material considerations must be assessed not just aspects of design. It is also not considered appropriate to include the footprint of existing greenhouses and timber sheds within the calculations comparisons between existing and proposed.

Given the above, it is considered that the proposed replacement dwelling would not be of a similar size, scale or siting to that being replaced, contrary to the guidance within Policy DM8 and to the detriment of the visual amenity of the site and the character of the surrounding open countryside.

Impact on the character and appearance of the area

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Core Policy 13 expects development proposals to positively address the implications of the Landscape Policy Zones in which the site lies and demonstrate that the development would contribute towards meeting Landscape Conservation and Enhancement Aims for the area. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Paragraph 131 of the NPPF states "In determining applications, great weight should be given to outstanding or innovative designed which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."

The Newark and Sherwood Landscape Character Assessment identifies the site as being within the Mid Nottinghamshire Farmlands MN PZ 27 Kirklington Village Farmlands where the Landscape Condition is defined as very poor, the Landscape Sensitivity is considered as moderate and Landscape Actions are identified as "Create" – ie create new hedgerows and enhance tree cover and planting to increase the sense of place and reduce visibility.

Both the increased level of built form on the site together with its change of orientation and positioning adjacent to eastern boundary of the site is considered to result in a greater detrimental effect on the rural character of the surrounding countryside which is predominantly open with short and medium distance views of the site from public roads and footpaths. Furthermore, whilst the proposed cladding may help to assimilate the structure into its rural setting (dependent on colour/finish), this is not sufficient to mitigate the harm identified by the proposed increased level of built form and orientation which would be harmful to the character

and appearance of the site relative to its immediate streetscene and rural context and therefore is considered to be contrary to Core Policy 9 and Policy DM5 of the Development Plan.

Impact on Residential Amenity

Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. Furthermore, the NPPF in paragraph 127 seeks to ensure a high standard of amenity for all existing and future occupants of land and buildings.

The proposed development would result in a new dwelling which would project beyond the rear elevation of the neighbouring bungalow at two storey level, which has the potential to result in some loss of early morning light to the neighbouring property. However, given the separation distance of 11m between the proposed dwelling and the common boundary I am of the opinion that the proposal is unlikely to result in any material overshadowing impact on neighbouring residential amenity.

In terms of any potential overlooking impact, I am mindful that the proposed long west facing elevation continues to retain two windows at first floor level and principal windows serving main habitable rooms at ground floor level. Whilst, I note that the windows at first floor level would serve secondary rooms, I am also mindful that there is a bedroom window serving the neighbouring property on the side elevation facing the application site at first floor level. In considering this relationship, I am of the opinion the proposed development would lead to an increased perception of overlooking on the amenities of this neighbouring property, both inside (bedroom) and outside (immediately to the rear of the property where a degree of privacy should be expected) due to the length of the west facing elevation and number of windows contained within it. Whilst it is acknowledged that the roof lights are high level and would be unlikely to result in any loss of privacy, and that the remaining first floor openings could be conditioned to be obscurely glazed to prevent direct overlooking, it is considered that the perception of being overlooked from these openings would still be harmful to neighbouring occupiers.

The proposed dwelling would appear overbearing and dominating when viewed from the neighbouring property and its associated rear garden which would undoubtedly result in an unacceptable sense of enclosure and intrusion that the current occupiers of the neighbouring property currently enjoy, contrary to the advice contained within Policy DM5 and the NPPF.

The moving of the vehicular access further towards the west of the site and its impact on neighbouring amenity has been noted and considered, however, given the limited use of this access and position of the neighbouring bungalow, it is considered that it would not result in harm sufficient to add to the reason for refusal of planning permission in this instance.

Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that the 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.

Brackner Lane is a narrow private road which terminates with the commercial premises located approx. 40m to the north-west. As such the highway carries a limited volume of moving traffic. The existing dwelling has a vehicular access onto this lane. The proposed vehicular entrance/exit point is considered to be acceptable to serve the proposed dwelling and there would be ample

turning and parking amenity within the site. Therefore provided the height of the frontage boundary treatment is limited by condition to allow acceptable visibility when leaving the site, the proposal would not result in any unacceptable highway safety concerns.

Conclusion

This re-submitted application has resulted in some amendments to the dimensions and openings to the west elevation compared to the previously considered scheme. The principle of a replacement dwelling at the site is considered acceptable and there are no identified highway safety concerns. However, as with the previous application, the size, scale, siting and layout of the proposed dwelling would not be similar to that which it would replace, nor would the proposed development relate well to the neighbouring property or pay due respect to the character of the existing street scene. Moreover, the significant increase in the built form as well as its positioning/orientation within the site would result in a detrimental impact on the character and appearance of the site and wider surrounding open countryside, contrary to the aims of Core Policy 9 and Policy DM8.

Furthermore, the proposed development would lead to an unacceptable impact on the privacy of the neighbouring property by virtue of the long west facing side elevation which contains windows facing the neighbouring property, resulting in overlooking, both real and perceived as well as an overbearing and dominating impact, contrary to Policy DM5 and the NPPF. Accordingly, notwithstanding the change in the view of Bilsthorpe Parish Council, it is considered that this revised application remains unacceptable and a recommendation of refusal is therefore presented to Members.

RECOMMENDATION

That planning permission is refused for the following reason:

01

In the opinion of the Local Planning Authority, the proposed replacement dwelling would, by virtue of the significant increase in built form, contrasting layout and position within the site in comparison to the existing dwelling and immediately neighbouring property result in a material adverse impact on the character and appearance of the site and surrounding open countryside. The proposed dwelling is not considered to be of a similar size or scale to that being replaced. As a consequence, the proposal would also result in a detrimental impact upon the amenity of its occupiers of the neighbouring property by virtue of a materially adverse overbearing impact. An increased perception of overlooking upon the occupiers, by virtue of the layout of the proposed dwelling which includes a long west facing elevation containing large windows at ground and first floor level that would dominate the neighbouring property would also occur. Overall, the development would be contrary to the guidance within Core Policy 9 and Core Policy 13 of the Amended Core Strategy and Policies DM5 and DM8 of the Allocations and Development Management DPD, in addition to the guidance contained within the NPPF which is a material planning consideration.

Note 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.

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/

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Whilst the applicant has engaged with the District Planning Authority at pre-application stage our advice has been consistent from the outset. 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.

BACKGROUND PAPERS

Application case file.

For further information, please contact Julia Lockwood on ext 5902.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 19/01287/FUL

