

Application No:	17/02136/FUL	
Proposal:	Proposed erection of double garage/annexe building	
Location:	7 Landseer Road Southwell	
Applicant:	Mr & Mrs C Tilley	
Registered:	02.01.2018	Target Date: 27.02.18 Extension of Time Agreed: 06.04.2018

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

The Site

The application site contains a two storey detached residential property with cream painted brick frontage situated within the main built up area of Southwell. The property is currently in the process of being renovated and has been historically extended to the rear. To the side of the property is a white painted brick single garage set back approximately 4m from the roadside with hardstanding to the front. The principle garden area is situated to the rear and is slightly sunken at the southern end compared to the north. The garden area is enclosed by fencing and vegetation. The neighbouring properties to the north and south are generally two storey red brick with a mix of red tile and slate roof slopes. Given the location of the property on a hill, the property to the north is on slightly elevated land and the property to the south on a slightly lower level, compared to the development site. The boundary for the Southwell Conservation Area (CA) abuts the western boundary of the garden albeit the site is outside of the CA.

Relevant Planning History

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. Approved October 2017

5682810 – Erect replacement garage. Approved 1982

The Proposal

Planning permission is sought for the demolition of the existing single garage and its replacement with a two storey garage/annexe building set back approximately 11m from the roadside. It is proposed that the building be approximately 6.3m wide, 8.1m deep with a pitched roof of 6.3m height. A double garage is proposed at ground floor level with an open plan living room/kitchen, bedroom and bathroom at first floor level. A single round window is proposed centrally at first floor height on the front elevation and eaves windows and roof lights on the northern elevation and roof lights only on the southern roof slope. It is proposed that the building be constructed of red brick and red pantile.

Departure/Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

Southwell Neighbourhood Plan (made 11 Oct 2016)

Policy DH1 – Sense of place

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 7 - Sustainable Transport

Core Policy 9 – Sustainable Design

Core Policy 14 – Historic Environment

Allocations & Development Management DPD (adopted July 2013)

DM5 – Design

DM6 – Householder Development

DM9 – Protecting and Enhancing the Historic Environment

Policy DM12 – Presumption in Favour of Sustainable Development

Policy So/HN/1 – Southwell Housing Need

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Supplementary Planning Document 'Extensions to Dwellings' Adopted 2014

Consultations

Southwell Town Council – Support

Southwell Civic Society – Support

NSDC, Conservation Officer – No objection

“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 Neighbourhood Plan which contains policies that seek to conserve heritage assets.”

One letter of objection received raising the following points:

- Concern that the window at first floor level on the front elevation could result in overlooking of neighbouring properties. Opaque glass in this window would be preferred;
- The proposed building is dramatically bigger than the current structure and would result in overbearing and have the potential to look overcrowded;
- Request that the proposed building be reduced in height or even considered as a single-story building to help reduce any overbearing concerns and to help the building ‘fit in’ within the neighbouring properties. We feel that the applicants have been considerate in their design proposal however the height, mass of the building and the window are of our main concerns.

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 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.

In terms of policy consideration it is important to determine in this instance whether to assess the development as householder annexe accommodation or as a new dwelling. 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. This is also reflected in Policy DM5, which would be of relevance to a new dwelling. In terms of consideration of the proposed development as a new dwelling in principle; 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 subject to the below considerations the principle of new residential development is considered to be acceptable. The proposal would also accord with Policy So/HN/1 which seeks to secure one and two bed units on windfall sites in Southwell. Regardless of the policy route chosen, the principle of development in this instance is considered to be acceptable. The applicant has stated in their Design & Access Statement that the proposed annexe accommodation above the garage would be used by family members. Given that the principle of a new dwelling in this location is acceptable, officers have no reason to doubt the information submitted by the applicant seeking new garaging with ancillary annexe accommodation. The proposal will as such 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.

Impact on Character and Appearance of the Area

Policy DH1 of the Southwell Neighbourhood Plan states: All relevant planning applications will be required to demonstrate how they have taken account of the guidance set out within Southwell Design Guide contained at Appendix 1 and the Conservation Area Appraisals (where this is relevant). This should not preclude innovative or contemporary design where it can be shown to support and contribute to the unique townscape of Southwell. Standardized design solutions are unlikely to be acceptable. Of particular relevance within the design guide referenced within appendix 1 is criteria 2 notably *Built Form*; context, character and layout.

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 A&DM 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 surrounding area. 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 and that development of poor design should be refused. At paragraph 58 it states 'planning decisions should aim to ensure that developments respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.'

In this case, the street scene is composed of a mix of semi-detached and terraced properties all following a similar build line fronting onto Landseer Road. However the building which forms the basis of this application would be set back approximately 11m from the roadside with an overall height of 6.3m. The proposed street scene plan shows that the building would have a comparable eaves height to that of No.7 situated to the south, with the ridge being approximately the same height as the base of the chimney on the same property.

Concern has been raised with the applicant that the scale and set back of the proposed building would result in it appearing as an alien structure, out of character with the street scene. This is further exacerbated by the ridgeline of the proposed building being orientated in the opposite direction to the host dwelling and that of neighbouring properties resulting in the roofline jarring with the character and appearance of the area. The submitted plans detail that the proposed building would have a footprint of approximately 51m², the block plan submitted with the application demonstrates that neighbouring semi-detached dwellings have a footprint of approximately 43m². The proposed ancillary building would as such have a footprint approximately 20% larger than that of neighbouring semi-detached dwellings however be set back from the defined roadside frontage and have the appearance of an overly large garage which clearly would not appear as subservient to the host property.

The boundary of the Southwell Conservation Area abuts the rear western boundary of the garden for the application site, with number 142 West Gate, considered to be a positive building within the CA to the south west. As per the comments of the conservation officer; the proposed development given the separation distance is not considered to result in a loss of character to the adjacent conservation area and would accord with policy DM9 of the DPD.

In conclusion, the siting, scale and design of the proposed building is considered to result in an alien, obtrusive form of development which would not successfully reference the built character of the existing street scene and would, given the above considerations appear at odds and incongruous with the grain of built form within this part of Landseer Road. The proposed development is therefore considered to fail to accord with policy DH1 of the Southwell Neighbourhood Plan, Core Policy 9 of the Core Strategy, policies DM5 & DM6 of the A&DM DPD, the SPD on Householder Development and the NPPF, which is a material consideration.

Impact upon Residential Amenity

The SNP is considered to be silent in relation to neighbouring amenity in relation to residential development. Policy DM5 states 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. Policy DM6 of the DPD states planning permission will be granted for householder development provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy or overshadowing and over-bearing impacts. The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

As detailed above the building would be set back from the roadside by approximately 11m with a depth of 8.1m and width of 6.3m. To the south of the site is No. 5 Landseer Road, a semi-detached property which has been extended to the rear with a flat roofed single storey extension and beyond this the principle garden area for the property. The proposed building would extend approximately 4m beyond the rear of the neighbouring flat roofed extension and be off-set from the boundary by 2m. Whilst it is accepted that the land level in this part of the development site is

slightly sunken in comparison to the rest of the garden area it remains my view that the siting of a 6.3m high building 2m from the northern boundary of No. 5 Landseer Road would result in significant detrimental impact on the neighbour. This is through having an overbearing impact and notwithstanding its location due north, it is considered that the neighbour will experience some loss of light to the property and garden area to the detriment of their residential amenity.

In relation to overlooking; roof lights are proposed in the southern roof slope of the building and as shown on the section are detailed to be 1.58m above internal finished floor level. Notwithstanding that these are detailed as being obscure glazed on the submitted floor plan the windows serving the kitchen and bathroom could still result in a perception of overlooking for residents of No. 5, particularly given that the windows would only be positioned 1.58m above the floor level. Eaves windows and roof lights are also proposed on the northern elevation to serve the proposed living room and bedroom. It is considered that these windows would offer views into the rear garden area of No. 9 situated approximately 15m to the north of the site which could result in a loss of privacy to occupiers of the garden area of this property.

As such the proposed development is considered to result in an unsatisfactory loss of amenity through overbearing impact and loss of light to the occupier of No. 5 to the south. Furthermore, the proposal could result in a perception of overlooking of the garden areas of occupiers of No. 5 to the south and No. 9 Landseer Road to the north. The proposal as such would fail to accord with policies DM5 & DM6 of the Newark and Sherwood DPD.

Impact on Highway Safety

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 and DM6 of the DPD requires the provision of safe access to new development, appropriate parking provision and that there is no adverse impact on the highway network as a result of the proposal.

The existing parking situation comprises a single garage with parking in front. The proposed development would provide additional off-street parking with a double garage and two parking spaces in front to serve both the host dwelling and annex. In terms of manoeuvring, cars would continue to be unable to turn on site and leave in a forward gear, as is the existing situation. As such it is not considered that the proposal would not result in any exacerbation of highway safety issues over and above the existing situation. The proposal is therefore considered to accord with policy SP7 of the Core Strategy and Policies DM5 and DM6 of the Allocation and Development Management DPD.

Conclusion

The principle of residential extensions and the creation of new build development is considered to be acceptable whether the proposed development is viewed as annexe accommodation or an independent new dwelling. Whilst the proposal would not result in highway safety concerns it is considered that the proposed development, by way of its siting, scale and design would fail to respond to the built character of the street scene and result in an alien, obtrusive form of development. Furthermore, the proposal by way of its siting and scale is considered to result in an unacceptable degree of overbearing impact and resulting loss of light to the detriment of neighbouring amenity of occupiers to the south and result in a degree of loss of privacy to

occupiers either side of the application site. The proposal would therefore fail to accord with Policy DH1 within the Southwell Neighbourhood Plan, Core Policy 9 of the Newark and Sherwood Core Strategy, policies DM5 & DM6 of the Allocations and Development Management DPD and the NPPF, which is a material consideration.

Recommendation

Refuse 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.

Informative

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 reasons 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.

Background Papers

Application Case File

For further information, please contact James Mountain on ext 5841

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 & Regeneration

Committee Plan - 17/02136/FUL

