

PLANNING COMMITTEE – 08.09.2020

Application No:	20/01312/FUL	
Proposal:	Demolition of existing garage and erection of single storey dwelling	
Location:	5 Chaucer Road, Balderton, Newark, Notts, NG24 3RA	
Applicant:	Mr P Sheldon	
Agent:	Mike Sibthorpe Planning	
Registered:	22.07.2020	Target Date: 15.09.2020

This application has been referred to the Planning Committee by Cllr B Brooks and the panel consider that given its site history it warrants a debate by the Committee as the officer recommendation now differs from the views of Balderton Parish Council.

The Site

The application site relates to a section of residential curtilage and an access driveway, currently associated to 5 Chaucer Road, a semi-detached single storey bungalow located within the established urban area of Balderton. The existing driveway is off Bullpit Road and runs between No. 35 and No. 37 Bullpit Road which is bound by hedgerows.

The application site is level in nature and there is a mixture of panel fencing and hedging along the shared boundaries with the closest neighbouring properties. On site there is a detached single brick garage with a pitched roof and an area of hardstanding located close to the eastern boundary with 37 Bullpit Road.

Relevant Planning History

The site has a history of applications on this site including two dismissed appeals:

17/00104/FUL – Erection of single storey dwelling on L shaped footprint. Refused 16.03.2017 for the following reason:

'In the opinion of the Local Planning Authority (LPA) the proposed development would result in a material adverse impact on the character and appearance of the site and wider setting by virtue of the backland position and cramped appearance in relation to its boundaries. The proposal is therefore contrary to the aims of Policy DM5 of the Allocations and Development Management DPD as well as Paragraph 53 of the NPPF a material planning consideration. There are no other material planning considerations that outweigh this harm in the opinion of the LPA.'

15/01141/FUL – Householder application for proposed extension to side/rear of existing bungalow. Approved 04.09.2015.

EXP/0075/12 – Erect a study/games room attached to existing garage, plus installation of air source heat pump. Advice given that planning permission was not required.

09/01011/FUL – Proposed single storey three bed bungalow with parking provision for 2 vehicles and enlarge car parking area for existing dwelling (Re-submission). Refused 02 September 2009 (on grounds of impact on character/appearance and car parking arrangements/highway safety) and dismissed at Appeal. In dismissing this appeal (**APP/B3030/A/09/2112698**) in January 2010 the Inspector concluded that whilst the height of the dwelling had been reduced the footprint was still large and it would be cramped in relation to its boundaries and would severely restrict the garden space for the host dwelling. The Inspector was not persuaded by the highways reason for refusal but did have some concerns regarding what they considered to be a harmful effect to the outlook of neighbours which added limited weight to the decision.

08/02287/FUL - New (1 ½ storey) dwelling with attached garage, enlargement of existing frontage parking area. Refused 05.02.2009 (on grounds of inappropriate character/precedent and backland development that harmed the amenities of neighbours through overlooking) and dismissed at appeal April 2009. In dismissing the appeal (**APP/B3030/A/09/2100561**) in June 2009 the Inspector agreed the harm to character but was not convinced regarding the impact on amenity or that it would set a precedent.

95/50031/EXP – Garage, permission not required 16.11.95.

The Proposal

Full planning permission is sought for a detached single storey bungalow with a simple, broadly rectangular form with small projecting gable to the frontage and pitched roof. The dwelling would measure 9.6m across by 8.3m deep (max) to a height of 4.8m to ridge and 2.6m to eaves. This would be orientated with its frontage facing east c5m from the boundary with 37 Bullpit Road.

The proposed bungalow would comprise an entrance hall, kitchen, open plan living room, bathroom and two bedrooms.

The north (side) elevation would be 1.9m from the boundary (comprising fencing) with dwellings on Wordsworth Drive whilst the rear (west) elevation would be 6.2m from that shared with 3 Chaucer Road. A new timber fence between the proposal and the host dwelling would be installed 3m from the new dwelling leaving c8.4m of garden depth (at its shortest) for the host dwelling. An area of hardstanding would front the dwelling (eastern part of the site) to form a parking and turning area for vehicles. The private garden of the new dwelling would lie to its west.

The Submission

Existing Site Layout: PS.02
Proposed Site Layout: PS.03
Proposed Plans and Elevations PS.04
Site location Plan PS.01
Design and Access Statement

Departure/Public Advertisement Procedure

Occupiers of eight properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood 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
NAP1 - Newark Urban Area

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM5 – Design
DM12 – Presumption in Favour of Sustainable Development

Other Material Considerations

National Planning Policy Framework
NPPG

Consultations

Balderton Parish Council – Object

‘This scheme is considered to be detrimental to the character of the area and would prejudice the private amenities of neighbouring properties.’

Representations have been received from 2 local residents/interested parties which can be summarised as follows:

- Object to this backland development
- Large plots form nice gardens, parkland and outlook
- Would harm the charm and character of the area
- Would set harmful precedent
- Three previous applications and appeals have been rejected
- Nothing has changed and should not be allowed
- Comparison with Knotts Court development in D&A Statement is inappropriate

Comments of the Business Manager

The Council considers that it can robustly demonstrate a 5 year housing land supply and the Development Plan is up to date for decision making.

Principle of Development

The site is located within Balderton, part of the defined Newark Urban Area which is a Sub Regional Centre as set out in the Settlement Hierarchy defined by Spatial Policies 1 and 2. These policies provide that new housing and employment growth should be focussed in this area as it is considered to be a sustainable location for new development. As such, the proposed development would therefore be acceptable in principle subject to an assessment of the site specific impacts as set out below.

Design, Character and Density

Core Policy 3 states that the Council will seek to secure an appropriate mix of housing types to reflect local housing need including smaller houses of 2 bedrooms or less and housing for the elderly and disabled population.

Core Policy 9 requires proposals to demonstrate a high standard of sustainable design and that proposals should be of an appropriate form and scale to their context complementing the existing built and landscape environments.

Policy DM5 of the DPD sets out the Council's design criteria for assessing proposals and states that proposals creating backland development will only be approved where they would be in keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area. This is consistent with Paragraph 122 of the NPPF which provides that decisions should make efficient use of land but also consider the desirability of maintaining an areas prevailing character and setting (including residential gardens.

In considering the character of the immediate locality, I am mindful that there is a range of designs and sizes of dwellings albeit the prevailing character is of detached and semi-detached dwellings (both single and two storey) that front onto a highway and are set within generous sized rear gardens. In terms of the wider setting, I note the agent has cited an application for a 2 bedroom dwelling on a former garage site (planning reference 17/02308/FUL) off Bullpit Road as being of relevance. This is some distance away from the application site (at the junction of Bullpit Road with Main Street) in an area with a slightly differing character. However I can see the resultant development is similar.

In assessing this application now before Members it is important to consider whether the previous concerns have been adequately addressed by this new scheme. In dismissing the second appeal the Inspector stated:

"On my site visit I was able to judge the character of the area which comprised a mix of post-war 2 storey houses and bungalows. These dwellings typically have deep rear gardens which gives the internal part of this block of 14 dwellings a pleasant green rear environment. The proposed bungalow would have a cramped appearance being built very close to the site boundaries on 2 sides without the relief of a spacious rear garden. The division of the site would also severely restrict the garden space for the host dwelling, notwithstanding the current proposal for the demolition of its extension. In these ways the proposal, if built, would have a harmful effect on the established layout of the area of the area which is valued by its residents. I do not consider that the changes introduced by the appellant set out in paragraph 3 above alter the conclusions on this issue; they merely minimise the impact on neighbours from those which would have arisen from the previous scheme."

Highway Matters

Spatial Policy 7 of the Core Strategy seeks to ensure development proposals provides safe, convenient and attractive accesses for all and provide appropriate and effective parking provision, both on and off site, and vehicular servicing arrangements. Policy DM5 of the DPD reflects the aims of SP7 and adds that parking provision should be based on the scale and specific location of the development.

Standing advice now applies for this development albeit I note on the other three schemes this was not the case at that time. I also note that the previous appeal inspector was satisfied that the previous scheme would not amount to a highway safety concern despite vehicles having to reverse onto the highway.

In this case the access to the site would utilise the existing vehicular access which currently serves a residential garage which would be demolished to facilitate the development. As no change would occur in terms of the siting of the access and intensity of its use, it is reasonable to conclude that this would cause no safety issues. There is now space within the site for at least two cars to park, turn and allow them to leave in a forward gear.

I am satisfied therefore that the scheme meets the expectations of standing advice and policies SP7 and DM5 in terms of parking provision and safety.

Other Matters

The fall back position put forward within the submitted Design and Access Statement in relation to a curtilage building being erected under permitted development rights is noted. Notwithstanding that there are significant differences between the curtilage building that could be erected under permitted development rights and the proposed scheme, given my findings in terms of its acceptability/character it does not matter.

Conclusions

The principle of development within the defined built up part of Balderton is acceptable subject to an assessment on site specific matters. The three previous refusals and two dismissed appeals are also material considerations in the determining of this application. Since the appeals, the Development Plan and national planning policy has changed albeit the general thrust of policy has not.

What has changed however is the footprint of the proposed development has been significantly reduced from the previous iterations. This scheme proposes a modest 2 bed bungalow that would assist in meeting the general housing requirements for the district and potentially the elderly and less mobile demographic. The low height, single storey nature of the development, the reduced footprint and positioning tucked behind existing development would still allow the sense of green space and openness to be read visually from the main road frontages. The perception would be that the character is therefore preserved. The bungalow would also have more space around it and distance to boundaries on each elevation so would avoid any sense of it being cramped and the host dwelling would retain a garden that is commensurate to its size and not dissimilar to the dwelling to the east. No harm in terms of living conditions has been identified and parking and highway safety are considered satisfactory. No other material considerations have been raised that lead me to a different conclusion. I conclude that the proposal would accord with the development plan and I recommend approval.

RECOMMENDATION

That planning permission is approved subject to the following conditions:

Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

No development above damp proof course shall take place until manufacturers details (and samples upon request) of the external facing materials (including colour/finish) have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: Inadequate details have been provided with the application and in the interests of visual amenity.

03

Prior to first occupation/use of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;

existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;

boundary treatments;

hard surfacing materials;

Reason: Inadequate details have been provided and this is necessary in the interests of visual amenity and biodiversity.

04

The approved soft landscaping shall be completed during the first planting season following the first occupation/use of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation or use.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

05

The dwelling hereby approved shall not be occupied until the parking and turning area show on drawing number PS.03 has been provided in a bound material (which shall be agreed as part of condition 3) and it shall thereafter be retained for parking for the lifetime of development.

Reason: To ensure that adequate provision is made for parking and turning in the interests of highway safety.

06

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

Proposed Site Layout: PS.03

Proposed Plans and Elevations PS.04

Site location Plan PS.01

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

07

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwellinghouse.

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class C: Any other alteration to the roof of a dwellinghouse.

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

Class E: Buildings etc incidental to the enjoyment of a dwellinghouse.

Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse.

Unless consent has firstly be granted in the form of a separate planning permission.

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 1995 or any amending legislation) in the interests of residential amenity and character.

Notes to Applicant

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

02

The applicant's attention is drawn to those conditions on the decision notice, which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

03

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

BACKGROUND PAPERS

Application case file.

For further information, please contact **Clare Walker** on ext 5834.

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