

PLANNING COMMITTEE – 8th SEPTEMBER 2020

Application No: 20/00565/FUL

Proposal: Householder application for demolition of existing outbuilding and construction of two storey rear extension.

Location: Hendre Cottage, Main Street, Epperstone, NG14 6AD

Applicant: Mr and Mrs Wells

Registered: 04.05.2020 **Target Date:** 29.06.2020

Weblink <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q8EM1ULBGQE00>

Extension of Time Agreed Until 11th September 2020

This application is being referred to the Planning Committee for determination by the Development Manager due to personal circumstances that have been put forward by the applicant to be considered as part of the application. Due to reasons of privacy and compliance with the General Data Protection Regulations, full details are not included within the report, however should members wish to obtain further details then they should contact officers individually.

The Site

Hendre Cottage is a semi detached dwellinghouse located immediately adjacent to the footway on the northern side of Main Street, Epperstone. The house is constructed of red bricks with a clay pantile roof which is customary for this part of the district. The property is joined to a further premise to the east which is current being used as a café.

The property is enclosed to the rear by mature planting that borders each boundary of a substantial rear garden which is set at a higher level that the rear elevation of the dwellinghouse.

The rear elevation of the property currently consists of a single story projection which is currently being used as part of the kitchen and a separate toilet facility. To the west (side) elevation of the property is an existing outbuilding

The proposal site is situated within Epperstone Conservation Area (CA) and the Green Belt.

Relevant Planning History

FUL/940548 – Improvements, alterations and extensions to dwellinghouse – approved.

The Proposal

The proposed development seeks approval for the removal of a small outbuilding at the rear of the property, and the addition of a two storey extension perpendicular to the main house. The extension is set down from the ridge of the main house, and has a narrow gable.

The proposal would be constructed of traditional materials to match the existing host property.

The proposal would provide considerable ground floor living space and at first floor a substantial main bedroom with bathroom facilities.

The initial proposal when submitted was nearly 9m off the back wall (as measured by the main catslide element), and over 12m in the roof line (as measured by the ridge). Given that the cottage is only 2 bays in width (c.7.6m), the extension would have been a considerable addition and, when combined with the additions already at the rear, the extension was considered by Conservation colleagues to be disproportionate to the modest cottage characteristics of the host building.

Following discussions with the agent a revised scheme has been submitted in which the overall length of the extension has been maintained but the applicant's agent has amended the plans to include a step within the main roofline of the extension in order to reduce the overall bulk of the extension and to thus increase the subservient appearance of the proposal. The revised latter part of the extension would now have an eaves height of 4.3m from ground level and measure 4.9m from the land level immediately to the north of the proposed extension due to the difference in ground levels.

During the lifetime of the application additional information has been received from the applicant which describes the serious medical condition of their children and why the proposed extension is required in order to accommodate their special mobility and medical care requirements.

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.

Planning Policy Framework

The Development Plan

Epperstone Neighbourhood Plan (adopted December 2019)

Policy EP 11: Design Principles

Policy EP 16: Epperstone Conservation Area

Newark and Sherwood Core Strategy DPD (adopted March 2019)

Spatial Policy 4A – Extent of the Green Belt

Spatial Policy 4B– Green Belt Development

Spatial Policy 7 - Sustainable Transport

Core Policy 9 -Sustainable Design

Core Policy 10 – Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 14 – Historic Environment

Allocations & Development Management DPD

DM5 – Design
DM6 – Householder Development
DM7 – Biodiversity and Green Infrastructure
DM9 – Protecting and Enhancing the Historic Environment
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2018
Planning Practice Guidance

Consultations

Epperstone Parish Council – Supports the proposal

Internal Drainage Board – Do not object to the proposal.

NSDC Conservation Officer – Comments received in relation to initial. Following the submission of the revised proposal the Conservation Officer has commented that they no longer object to the proposal subject to conditions.

Heritage assets affected

The proposal site is situated within Epperstone Conservation Area (CA). Hendre Cottage is a period building and is considered to make a positive contribution to the character and appearance of the CA.

Den Cottages and The Old Forge opposite are both Grade II listed.

Legal and policy considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In addition, section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.

Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF – revised February 2019). When considering the impact of a proposed development on the

significance of a designated heritage asset, great weight should be given to the asset's conservation, for example.

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;

and

c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of conservation areas when considering new development (paragraph 200).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

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

Significance of heritage asset(s)

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

From the Cross Keys to Chapel Lane, this part of the CA is typified by houses and cottages built on the pavement edge and the character is one of close knit and tighter development, especially at the junction of Toad Lane and Chapel Lane where the small cottages on the pavement edge together with the high boundary wall at The Manor form a strong sense of enclosure.

Contrary to the submitted Heritage Statement, Hendre Cottage is identified in the Appraisal as a building which has Local Interest (as shown on Map 3 of the Appraisal). The cottage is modestly proportioned, and comprises red brick above a stone plinth, The cottage has a pantile roof with chimneys, and attractive Yorkshire sliders facing the road. The building appears to have late 18th century origins with later 19th and 20th century phases.

Comments of the Business Manager

The proposed development seeks approval for the removal of a small outbuilding at the rear of the property, and the addition of a new two storey extension perpendicular to the main house.

The extension is set down from the ridge of the main house, and has a narrow gable. The extension will run as far as the end of the existing outbuilding.

Conservation objects to the proposed development in its current form.

Removal of the outbuilding, which has no intrinsic interest, is acceptable.

It is acknowledged that many traditional vernacular buildings in this area enjoy service accommodation, and this often takes the form of a perpendicular rear extension.

The narrowness of the gable (under 4m), and the height of the extension, which is set below the ridge of the host property, is appropriate in its subservience to the main cottage. The overall length of the addition is too great, however, with the extension measuring nearly 9m off the back wall (as measured by the main catslide element), and over 12m in the roof line (as measured by the ridge). Given that the cottage is only 2 bays in width (c.7.6m), the extension is a considerable addition. Combined with the additions already at the rear, the extension feels disproportionate to the modest cottage characteristics of the host building. The extension will be visible in aspect from Main Street, notably on approach from the east, and I therefore feel that the extension will be relatively dominating to what is otherwise a modest cottage range (please also note that in accordance with paragraph 13 of the PPG, impact on significance is not limited to public access).

The lack of articulation of fenestration and detailing in the extension is also unhelpful in this context (traditional service wings would have included appropriate joinery within bays on the courtyard side in this type of setting).

Recommendation/summary of opinion

In its current form, the proposals result in some minor harm to the special character and appearance of Epperstone CA and the setting of Den Cottages and The Old Forge. For the purposes of the NPPF, this harm is less than substantial. Sections 66 and 72 of the Act provide a strong presumption against harm to listed buildings and conservation areas. The proposal is also contrary to heritage advice contained within the Council's LDF DPDs and section 16 of the NPPF.

To address our concerns, the scheme should be revised. The roof line should be stepped down mid-way along the service wing and reduced in length. Given the modest proportions of upper floor rooms, this will inevitably require some compromise. However, we would be happy to explore these options further (I recognise that there are topography constraints here also).

In addition, appropriate fenestration should be considered on the east elevation, and if possible, the French doors revised for either a traditional half glazed 4 panel door, or a plank door (could be pinned back and glazed), or a simpler glazed bifold type door which might reference traditional workshop/cartshed type openings which have been infilled (this would work better as part of a single storey element). Working up the detailing would also assist, both in the masonry (dentil courses, arched headers, traditional brick bonding etc) and joinery design, although this might be dealt with via suitably worded conditions. A chimney could also be considered.

Representations have been received from 1 local residents which can be summarised as follows:

- Do not object to the application.
- Request that the bathroom window be conditioned to have obscure glazing.

Appraisal

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, at its council meeting on 12th December 2019 Newark and Sherwood District Council adopted the Epperstone Neighbourhood Plan. 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 Epperstone. 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 site is located at the edge although within the settlement of Epperstone which is wholly washed over by the Green Belt, as identified with Spatial Policy 4a of the Amended Core Strategy. Spatial Policy 4b of the Amended Core Strategy states:

‘new housing and employment development will be focused in the Principal Villages of Blidworth and Lowdham, along with Gunthorpe and the part of Bulcote which is attached to Burton Joyce. These locations are excluded from the Green Belt and defined by Village Envelopes.’

Spatial Policy 4b goes onto advise that ‘Other development in the Green Belt not identified in this policy will be judged according to national Green Belt policy.’

The NPPF states that substantial weight is given to any harm to the Green Belt although there are exceptions to this including that any extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building, could be considered acceptable. Para 145 of the NPPF advises that ‘A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt’ and then goes onto the list the exceptions to this which include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Under current policy there is no definitive percentage of floor space increase considered to be appropriate development within the Green Belt and as such, it is one of judgement for the LPA.

Generally, and as a rule of thumb where other local planning authorities have set thresholds within development plan policies these typically range between 30 to 50% (volume and/or floorspace increase) in determining whether householder extensions are disproportionate to the original dwelling.

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

The table below shows the existing and proposed footprint for the building

	Original dwelling	Previous extension	Extension sought under this application	% Total Increase to original building
Floorspace	Ground floor 38m ²	Ground Floor 10m ²	Ground Floor 26m ²	94%
	First floor 36m ²	First Floor 9m ²	First Floor 25m ²	
	Total 74m ²	Total 19m ²	Total 51m ²	
Footprint	Total 52m ²	Total 23m ²	Total 31m ²	103%

However, whilst the above calculations help in quantifying the difference in size between the original building, the previous extension and the proposed additions, I am mindful that neither the NPPF nor the policies within the Core Strategy set out a specific percentage when considering what constitutes an addition to an existing building being disproportionate. Consideration therefore also needs to be given to the design of the proposal and whether its scale, form, mass and layout, result in a property which would have an acceptable impact on the openness of the Green Belt.

In terms of the impact on the openness of the Green Belt, I am mindful that the proposed extension is substantial in comparison to the exiting property and although it will be to the rear elevation, and thus would not be highly visible from the street scene or any other public vantage point, I nevertheless consider that the proposed development would result in a large development of significant mass and bulk that will occupy a large portion of residential curtilage associated to the dwelling and has the potential to be seen as an imposing structure within both the immediate setting and beyond the site. It is also of relevance that the NPPF, local policy and case law does not indicate that a development that is not viewable from public vantage points is acceptable.

In light of the above, and in considering the percentage increase in footprint of the building which are well in excess of the thresholds stated, I am of the view that the proposed development would result in a disproportionate addition to the host building and have an adverse impact on the openness of the Green Belt.

Notwithstanding this, I am aware that paragraph 144 of the NPPF offers that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

It is necessary to assess the degree of weight to be accorded to a factor that could be considered as a 'very special circumstance' within the "Wednesbury Principles". In this case it is necessary to determine whether the individual factor that has been put forward would outweigh the harm to the openness to the Green Belt.

The weight to be given to any particular factor will be very much a matter of degree and planning judgement and something for the decision-taker.

There cannot be a formula for providing a ready answer to any development control question on the green belt. Neither is there any categorical way of deciding whether any particular factor is a 'very special circumstance' and the list is endless but the case must be decided on the planning balance qualitatively rather than quantitatively.

What is required of the decision taker above all, is a value judgement and inevitably decision takers are given wide latitude, as indeed is inherent in the entire development control regime. It is considered that the proposed extension on its own is inappropriate development that would result in significant harm to the Green Belt.

The applicants have put forward an argument that the benefits of the extension to the mobility and welfare of their children is such that this alone would amount to a 'very special circumstance' in its own right. Whilst officers are extremely sympathetic to issues facing the applicants and their family, in this instance I considered that whilst they would carry some weight, they would not on their own be enough to outweigh the harm of the extension to the Green Belt by reason of inappropriateness, and any other harm. It is of particular importance that personal circumstances are rarely a reason for granting a planning permission. Permissions go with the land rather than to the person. Whilst a condition could be attached saying the permission is for the applicants only, once the development is built it would not be reasonable to have a condition requiring the extension to be demolished should the applicants leave the property. The development would therefore be there permanently if approved.

Heritage and Impact on Visual Amenity

As the site is located within the conservation area, the following legal obligations and planning policy guidance is relevant.

The legal framework is set out in Section 72 of the Planning (Listed Building and Conservation Area) Act 1990 requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

In planning policy terms set out within the Development Plan, as the site is within a Conservation Area, development should take account of the distinctive character of the area and seek to preserve or enhance the conservation area, as stated by policy DM9 of the DPD. Policy CP14 of the Core Strategy reflects this guidance and requires continued preservation and enhancement of heritage assets.

In more general design terms, Core Policy 9 states that new development should achieve a high standard of sustainable design 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. Furthermore, the NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive.

I note the comments from the Conservation Officer, who considered that the initial proposal felt disproportionate to the modest cottage characteristics of the host building. In response to the comments of the Conservation Officer a revised scheme has been submitted which includes a step midway through the roofline and increased masonry detailing including arched headers.

Based upon these changes, and the positive comments that have now been received from the Conservation Officer, I consider the revised proposal to be an improvement to original scheme in terms of its impact upon the Conservation Area. The proposal would therefore respect the character and appearance of the Conservation Area and thus accord with the aims of Policies DM9 and Core Policy 14.

Impact upon Residential Amenity

Policy DM6 of the DPD states planning permission will be granted for the extension of dwellings provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy, light and overbearing impact.

I am mindful that the latter part of the proposed extension would come close to the side boundary of the property with the neighbour at The Gray House and that the extension would be 2 storeys and thus higher than the existing outbuilding that is proposed to be demolished. Although this is the front garden of the Gray House it is considered that this is a relatively private space given the existing screening along the frontage. Nevertheless, I am of the opinion that the proposal would not result in any material overbearing or overshadowing impact on the adjoining property. Notwithstanding this, whilst the window proposed within the side elevation would be relatively small, I am concerned about the potential for overlooking of the existing property and therefore considered that should the proposal to be approved then it would be necessary to impose a condition that requires the window to be obscure glazed and non opening below a height of 1.7 metres from the floor height which is served. In regard to the potential impact on Sunnyside to the east, I am mindful that the proposed rear extension would be separated from the boundary by an existing two and single storey extension. As such, I am satisfied that proposal would not result in material overbearing or overshadowing impact on the amenity of this neighbouring property.

Other matters

I note the concerns raised in relation to potential overlooking from the window located within the side elevation of the first floor of the proposed extension and consider that as the window is shown as serving a bathroom it would be reasonable to attach a condition requiring that the windows be glazed with obscure glass at all times.

Conclusion

It is concluded that the proposal would have a harmful impact upon the openness of the Green Belt as the proposed development results in an increased footprint of 103% over the original building when taken into account with the previous extension. This is considered to represent a disproportionate addition to the host building and would result in a detrimental impact upon the

openness by virtue of its scale and mass of the extension when taken into account with the overall size and proportions of the proposed extension.

For these reasons, I conclude that the proposal would represent inappropriate development in the Green Belt, which paragraph 143 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the Framework states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Whilst details of the applicant's personal circumstances have been put forward that would carry limited weight and officers consider that this is a balanced judgement, ultimately it is considered that the harm to the Green Belt by reason of inappropriateness, and any other harm, is not outweighed in this instance.

Recommendation

That planning permission is refused for the following reason

01

In the opinion of the District Council the proposed extension, together with the previous extension, would result in a disproportionate addition to the building over and above the size of the original building and would adversely affect the openness of the Green Belt. It would therefore constitute inappropriate development within the Green Belt. There are no very special circumstances of sufficient weight to outweigh this harm. The proposed development would therefore be contrary to Spatial Policy 4b of the Newark and Sherwood Amended Core Strategy (2019) and the National Planning Policy Framework.

Refused Drawing Numbers:

Existing elevations – (Drawing No: 2006.060.002)
Existing Floor Plan – (Drawing No: 2006.060.001)
Existing outbuilding elevations – (Drawing No: 2006 060 007)
Revised proposed floor plan – (Drawing No: 2006.060.003 REV D)
Revised proposed elevations – (Drawing No: 2006.060.004 REV D)
Location plan and site plan – (Drawing No: 2006.060.005)

Notes 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. However the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal. Whilst not all problems arising can be overcome, several potential reasons for refusal have been negated.

BACKGROUND PAPERS

Application case file.

For further information, please contact Richard Marshall on ext 5801.

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