

**COMMITTEE REPORT**

**AGENDA ITEM NO.**

<b>Application No:</b>	<b>20/00889/FUL</b>		
<b>Proposal:</b>	<b>Demolition of dwelling and erection of replacement dwelling and detached garage/workshop.</b>		
<b>Location:</b>	<b>17 Gunthorpe Road, Lowdham, NG14 7EN</b>		
<b>Applicant:</b>	<b>Mr J Fearn</b>		
<b>Registered:</b>	<b>12 August 2020</b>	<b>Target Date:</b>	<b>07 October 2020</b>
	<b>Extension of time agreed until 06 November 2020</b>		
<b>Website Link:</b>	<b><a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/advancedSearchResults.do?action=firstPage">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/advancedSearchResults.do?action=firstPage</a></b>		

**The application is being presented to the Planning Committee in line with the Council's Scheme of Delegation at the request of Cllr Wendels. The referral was declined by the Panel, appealed to the Chief Executive who agreed the proposal should be debated by Planning Committee.**

**The Site**

The site relates to a brick detached four bedroom bungalow on the east side of Gunthorpe Road in the village of Lowdham in the Nottingham Fringe Area of Newark and Sherwood District. At this location Gunthorpe Road meets the A6097 and the site is located on a service road off the main Gunthorpe Road. The dwelling has a generous rear garden which is bounded at the rear by the Cocker Beck. Boundary treatments consist of hedges and close-boarded timber fencing. There is a detached garage to the side (north) with vehicle hardstanding to the front.

The site is located in Flood Zone 3b and is also at risk of surface water flooding as indicated by the Environment agency maps.

**Relevant Planning History**

None applicable

**The Proposal**

The application seeks planning permission for the demolition of the existing dwelling and garage and the erection of a four bedroom replacement dwelling and detached garage/workshop.

***Replacement dwelling:***

The existing side wall (north) would remain as would a small section of the front wall, with the remaining house demolished in order to accommodate a replacement dwelling of dimensions 11.2m width x 16.4m length. The roof form would be dual-pitched roof 1.25m with a ridge height 8.2m with an eaves height of 4.7m. The existing oriel window in the side (north) elevation would

be extended upwards with a rooflight on top and one opening in the front elevation would be modified to form a new window. The remaining fenestration would consist of a panel of full-height windows to the sides of and above the front door, casement windows serving the reception rooms and bedrooms to the front, three sets of bi-fold doors in the rear extension and bi-fold doors and casement windows serving the master suite to the rear. A full-length glazed balcony would be erected at the rear at first floor. In addition, glazing would be inserted in the apex of the gable end to the rear and seven rooflights would be installed. Double sliding doors would serve the dining area in the side (south) elevation.

Materials would consist of blue bricks to match the existing, off-white render at ground floor, cedar cladding at first floor, dark grey aluminium doors and windows, aluminium fascias and Edgemere interlocking slate concrete roof tiles in anthracite.

#### *Garage:*

An existing detached garage to the north side of the dwelling would be demolished and a new garage and workshop of dimensions 2.725m x 9m would be erected on the boundary with the neighbouring dwelling to the north. It would have a dual-pitched roof with a ridge height of 3.34m and an eaves height of 2.525m. Materials would consist of red/brown facing bricks and Edgemere interlocking slate concrete roof tiles in anthracite.

#### *Boundary treatment:*

A close-boarded fence of 2.2m would be erected between the garage and dwelling facing the highway.

#### *Plans:*

001 Block Plan 1:500 dated 20.08.2020  
002 Site Location Plan 1:1250 dated 20.08.2020  
101 Ground Floor plan As Existing 1:50  
102 First Floor plan As Existing  
103 Roof Plan As Existing 1:50  
201 Ground Floor plan As Proposed 1:50 dated 27.08.2020  
202 First Floor plan As Proposed 1:50 dated 27.08.2020  
203 Roof Plan plan As Proposed 1:50 dated 27.08.2020  
301 Front elevation As Existing 1:50  
302 LHS elevation As Existing 1:50  
303 Rear elevation As Existing 1:50  
304 RHS elevation As Existing 1:50  
401 Front elevation As Proposed 1:50 dated 27.08.2020  
402 LHS elevation As Proposed 1:50 dated 27.08.2020  
403 Rear elevation As Proposed 1:50 dated 27.08.2020  
404 RHS elevation As Proposed 1:50 dated 27.08.2020  
901 3D Model Proposed Front NTS  
902 3D Model Proposed Rear NTS  
903 3D Model Proposed RHS NTS  
904 3D Model Proposed Front/LHS NTS  
Revised 2D Street scene  
Revised 3D Street scene

Documents:  
Flood Risk Assessment.

### Departure/Public Advertisement Procedure

Occupiers of three 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

Core Policy 10A – Local Drainage Designations

#### **Allocations & Development Management DPD**

DM5 – Design

DM12 – Presumption in Favour of Sustainable Development

#### **Other Material Planning Considerations**

- National Planning Policy Framework 2019
- Planning Practice Guidance

#### **Consultations**

**Lowdham Parish Council** – Objects – Out of character.

**NSDC Contaminated Land** - Advice Note re. Radon.

**Trent Valley Internal Drainage Board** - The Board's consent is required. Cocker Beck, exists along the boundary of the site. The Environment Agency should be consulted.

**Environment Agency – Objects.** Flood Zone 3b. Contrary to NPPG. Recommends refusal.

**Representations have been received from three local residents. Their comments may be summarized as:**

- introduces a comfortable and spacious family home
- visually appealing and of a modern design
- blend in beautifully

- vital we embrace new designed buildings for our future
- no one style on the street.

### Appraisal

The application site is located in Lowdham, which is defined as a Principal Village in the settlement hierarchy. Principal villages have a good range of day to day facilities, normally including a primary school, food shop, health facilities and employment or access to nearby employment. They act as a secondary focus for service provision in these locations to assist rural accessibility. Spatial Policy 2 identifies the strategy for Lowdham as sustainable communities during the plan period (2013-2033). Core Policy 3 states that the District Council will expect good quality housing design which adequately addresses the housing need of the District, including that for smaller houses of two-bedrooms or less.

I consider that a replacement four-bedroom dwelling which increases floorspace and improves the accommodation provided is appropriate for the application site, subject to an assessment against a number of criteria including that there is no adverse impact on character and the amenities of neighbouring uses including loss of privacy, light and overbearing impacts. The site is located in flood zone 3b (functional floodplain) and therefore an assessment against the NPPG, climate change and flood risk policies will also be made.

### *Character and local distinctiveness*

The NPPF states that good design is a key aspect of sustainable development and that decisions should ensure that developments are visually attractive and sympathetic to the surrounding built environment. 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 environments. Policy DM5 states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

This application dwelling comprises a modest 1930s bungalow with loft conversion and the proposal would create a substantial two-storey dwelling with four bedrooms and three bathrooms at first floor. The footprint, floorspace and volume would be more than double that of the existing dwelling. In addition, the roof form, style and materials would be dramatically different to those of the existing dwelling. The traditional 1930s bungalow would be replaced by a substantial contemporary dwelling. The Parish Council has objected to the application on the grounds that the replacement dwelling would be out of character and too large.

The street scene is composed of dwellings which have a range of styles, size and scale. A pair of modest 1960s bungalows are located to the south of the application dwelling with a substantial two-storey detached dwelling located to the north. In order to aid an appraisal of the impact of the proposal on the street scene and character the agent has supplied 2D and 3D street views. It is accepted that the replacement dwelling is of an entirely new form and scale. However, I consider that the row of dwellings at this section of Gunthorpe Road does not represent a uniform row in any case and as such, the introduction of a new dwelling of altered size, scale and appearance would not harm the street scene.

I consider that the proposal is in conformity with the relevant policies in this regard.

### *Neighbour amenity*

The NPPF seeks to create places which have a high standard of amenity for existing and future users. Policy DM5 of the Allocations and Development Management DPD states that the layout of development within sites and separation distances from neighbouring dwellings should be sufficient to ensure that neither suffers from a reduction in amenity including overbearing impacts, loss of light and privacy.

There is a separation distance of 9.1m between the application dwelling and the boundary of neighbouring dwelling to the north which would be unaltered. I do not consider that this dwelling would suffer any amenity impacts from the proposal.

There is the potential for the proposed full length balcony to the rear, which would have a depth of 1.1m and be capable of accommodating outdoor furniture, to cause overlooking and loss of privacy impacts to the rear amenity space of the neighbouring dwelling to the south. However, boundary treatments to the rear are formed by hedges and there are trees on site which would provide screening. In addition, the balcony has an overhang which would reduce the potential for overlooking and as such I am satisfied that the incorporation of a balcony would not have harmful amenity impacts.

There would be a separation distance of 2.5m between the boundary of the neighbouring dwelling to the south and the proposal and a separation distance of 4.5m between the neighbouring dwelling to the south and the proposal. I consider that the separation distances are just adequate to make any loss of light or overbearing impacts to this dwelling acceptable.

As such I consider that the proposal is in conformity with the relevant policies in this regard.

### *Flood Risk*

Policy DM5 states that the Council will aim to steer new development away from areas at highest risk of flooding. Development proposals within Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available sites in lower risk Flood Zones. Environment Agency maps indicate that the site is in Flood Zone 3b (functional flood plain) and is at risk from surface water flooding. The Strategic Flood Risk Assessment has recommended the development of Local Drainage Designations for the Lowdham area, and Core Policy 10A states that in order to ensure appropriate management of flood risk as part of new development the District Council will work with partners to develop Local Drainage Designations in Lowdham. However, Local Drainage Designations are not currently in place and there is no Article 4 Direction in place limiting permitted development rights on flood risk grounds.

The Environment Agency objects to the application on the grounds that the site is within the functional floodplain and that the development is classed as "More Vulnerable" in accordance with table 2 of the Flood Zones and flood risk tables of the PPG. Tables 1 and 3 make it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted.

The NPPF sets strict tests to protect people and property from flooding. The Sequential Test and Exception Test do not need to be applied for applications for minor development, the meaning of which, in relation to flood risk, includes householder development. However minor development

does not include a replacement dwelling and the Sequential Test and Exception Test have not been applied in the Flood Risk Assessment submitted to support the application, which is contrary to the guidance in the NPPG.

I am mindful that permitted development rights have not been removed for the application dwelling. As such the applicant would be able to extend to the rear of the application dwelling by 8m which would increase the footprint by approx. 70m<sup>2</sup>. In addition permitted development rights would allow for a building within the curtilage for a purpose incidental to the enjoyment of the dwellinghouse, which has an area not exceeding 50% of the total area of curtilage not covered by the original dwellinghouse. The rear garden is extensive and the total area of curtilage which could be developed would be approx 400m<sup>2</sup>. The proposed replacement dwelling would increase the footprint over and above that of the existing dwelling by approx. 89m<sup>2</sup>. In addition, the replacement garage would increase the footprint over and above that of the existing garage by approx. 12.5m<sup>2</sup>. The total increase in ground cover over that of the existing situation would be approx 101.5m<sup>2</sup>. It is not an unreasonable assumption that a larger home extension, replacement larger garage and summer house, for instance, all of which would benefit from deemed consent, could be developed on such a site. The cumulative footprint of such a development could be in the region of 100m<sup>2</sup> which is comparable to the proposed increase in footprint for this application. In addition, if a householder application were to be submitted for large extensions, then Environment Agency Standing Advice would apply. For this reason, I have to consider whether it is reasonable to refuse the application on flood risk grounds, even though the proposal represents more vulnerable development in the functional floodplain.

The applicant has submitted a Flood Risk Assessment which has stated that floor levels within the proposed extension will be set no lower than existing levels and mitigation proposals include the use of flood resilience measures, including the use of low permeability and flood resilient materials and the location of electrical services at a high level. These measures are supported and a condition would be attached to any permission which would require floor levels to be agreed before commencement of development.

In view of the fact that permitted development rights are intact for the application dwelling, and that development of a footprint in excess of that which is proposed would have deemed consent, I do not consider that it would be reasonable to refuse the application on these grounds, even though the application is contrary to the NPPF, NPPG, Core Policy 10 and Policy DM5.

Core Policy 10 states that new development should positively manage its surface water run-off through the design and layout of development to ensure that there is no unacceptable impact on run-off into surrounding areas of the existing drainage scheme. Trent Valley Internal Drainage Board was consulted on the application. An open watercourse, exists in close proximity of the site and the applicant would be required to consult the IDB for any works that increase the flow or volume of water to any watercourse. An informative would be added to any permission.

#### *Radon*

The site is located in potentially Radon Affected Area. An informative would be attached to any permission.

#### Conclusion

The proposal represents more vulnerable development in the functional floodplain which the NPPG states should not be permitted. The development is therefore contrary to the NPPF, NPPG,

Core Policy 10 and Policy DM5 in this respect. However, I am obliged to take into consideration the quantum of development which has deemed consent and this represents a material planning consideration. I do not consider that the proposal would have a harmful impact on character or neighbour amenity and on balance find that the development is acceptable.

## **RECOMMENDATION**

**That planning permission is approved subject to the conditions and reasons shown below:**

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

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

- 001 Block Plan 1:500 dated 20.08.2020
- 002 Site Location Plan 1:1250 dated 20.08.2020
- 201 Ground Floor plan As Proposed 1:50 dated 27.08.2020
- 202 First Floor plan As Proposed 1:50 dated 27.08.2020
- 203 Roof plan As Proposed 1:50 dated 27.08.2020
- 401 Front elevation As Proposed 1:50 dated 27.08.2020
- 402 LHS elevation As Proposed 1:50 dated 27.08.2020
- 403 Rear elevation As Proposed 1:50 dated 27.08.2020
- 404 RHS elevation As Proposed 1:50 dated 27.08.2020
- Flood Risk Assessment.

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application.

Reason: In the interests of visual amenity.

04

No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved building have been submitted on a single plan/or document and approved in writing by the Local Planning Authority. Finished floor levels at ground floor should be a minimum of 300mm above the 1:100 flood event level + 30% climate change allowance or no lower than the finished floor levels in the existing dwelling, whichever is higher. The mitigation measures shall be fully implemented prior to occupation or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with the aims of the NPPF and Core Policy 10 and Policy DM5 of the DPD.

## 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) Order 2010 (as amended).

02

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

[www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

03

The proposed development is in a potentially Radon Affected Area\*. These are parts of the country where a percentage of properties are estimated to be at or above the Radon Action Level of 200 becquerels per cubic metre (Bq/m<sup>3</sup>). Given the above, it would be prudent to investigate if the development will be affected by radon and incorporate any measures necessary into the construction to protect the health of the occupants. Further information is available on the council's website at: <http://www.newarksherwooddc.gov.uk/radon> \*based on indicative mapping produced by the Public Health England and British Geological Survey Nov 2007.

04

The site is within the Trent Valley Internal Drainage Board district. The Board maintained Bypass Feeder, an open watercourse, exists in close proximity of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

## BACKGROUND PAPERS

Application case file.

For further information, please contact Emma Fawcett on ext 5436.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).



**Lisa Hughes**  
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