



**V/2018/0186 Detached Garage**  
**2 Lodge Lane Kirkby in Ashfield**  
**Abbey Hill**  
Ashfield District Council  
Urban Road  
Kirkby in Ashfield  
Nottingham NG17 8DA

Map sheet: SK5155NE

25th July 2018



Scale: 1 to 1250

**COMMITTEE DATE** 25/07/2018                      **WARD** Abbey Hill

**APP REF** V/2018/0186

**APPLICANT** C Berridge

**PROPOSAL** Detached Garage

**LOCATION** 2 Lodge Lane  
Kirkby in Ashfield  
Nottingham  
NG17 7QL

**BACKGROUND PAPERS** A, B, C, E

**WEB LINK:**

<https://www.google.co.uk/maps/place/2+Lodge+Ln,+Kirkby+in+Ashfield,+Nottingham+NG17+7QL/@53.097425,-1.23192,17z/data=!4m5!3m4!1s0x48799595e0f43a1d:0x1c744600713c2bbb!8m2!3d53.0988648!4d-1.2303321>

**App Registered: 21/03/2018**

**Expiry Date: 15/05/2018**

***Consideration has been given to the Equalities Act 2010 in processing this application.***

**This application has been referred to Planning Committee by Councillor Jackie James on the grounds of inaccurate plans and by Councillor Jason Zadrozny on the grounds of policy implications.**

**Background**

This application was presented to Members (see report attached) at the 17<sup>th</sup> May Planning Committee Meeting and the following additional items were presented verbally. One further letter of objection had been received which took the total number of written objections received for this proposal from 8 to 9. The additional objection received included a claim that the building was being built higher than originally approved.

A further site visit by officers to check the height of the garage produced a measurement which corresponded with the measurement indicated on the drawings provided, which confirms it is 4.9m in height to the ridge.

The other issues raised within the objection had already been raised within other written representations. As such, these issues were fully considered when forming the recommendation to approve the proposed detached garage.

The Committee resolved to defer determination, pending a planting scheme being submitted to try and mitigate the impact of the garage.

The applicant has now submitted a revised planting scheme (Drawing No.T904-PL32) received by the Council on 19<sup>th</sup> June 2018. This drawing illustrates the intended type and location of the proposed planting. A Cherry Laurel hedgerow is proposed to be planted along the northern and eastern boundaries, in addition to a Silver Birch tree being proposed to be planted in the north east corner of the site to provide a form of screening for the garage, once the tree begins to mature.

Since the previous planning Committee a further letter from a neighbour has been submitted raising 3 issues:

1. Claiming the land does not belong to 2 Lodge Lane. This is a civil matter and not a planning matter for consideration in the planning application.
2. The building will be used for commercial and industrial purposes. The recommendation is to grant planning permission subject to a condition restricting its use to the parking of motor vehicles and only for the benefit of the occupants of the dwelling and their visitors. This does not restrict business use because it would not be appropriate to restrict someone bringing home their work vehicle but it does not permitted a business use if it resulted in a material change in the use of the land or building.
3. The building is overbearing and is the size of 2 double garages and is larger than originally approved. Consideration needs to be given to this proposal irrespective as to whether there has been a previous planning permission.

Accordingly, as the proposed development now incorporates a soft landscaping scheme in response to Members request, the principle of the proposal remains acceptable. It does not result in any overbearing or overshadowing impact, nor would it result in any unacceptable levels of loss of light to nearby properties, it is therefore recommended that approval is granted, subject to the previously listed conditions.

**Recommendation:** - Full Application Conditional Consent.

**COMMITTEE DATE** 17/05/2018                      **WARD** Abbey Hill

**APP REF** V/2018/0186

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**PROPOSAL** Detached Garage

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**The Application**

This is an application for Detached Garage.

**Consultations**

Individual notifications to surrounding residents has been sent.

The following consultation responses have been received:

**ADC Environmental Health:**

While no comments have been received as part of this application, the informatives originally requested during the previous approval (V/2017/0682) are still considered applicable, which are;

The garage shall be offered adequate protection from any harmful ground gas which may be present, and;

If un-natural ground or odour is encountered during construction works, the developer should contact the Council's Environmental Health team at the earliest opportunity.

**8 objections have been received in writing by the local residents in respect of the application, which raise the following concerns:**

- Building works should not happen on land not owned by the applicant.
- Should have been built as originally approved, and not 2m wider.
- The design of the building looks industrial, and not in keeping with the area.
- The garage is overbearing in nature and out of keeping.
- Garage will have an impact on property value.
- Believe the garage is to be used for commercial gain.
- The roof is higher than originally proposed.
- Concerns the house extension already approved will be built bigger.
- Footing for the proposal had already been laid prior to the approval being issued.
- Garage reduced levels of sunlight and affects the view of nearby properties.
- The garage will overshadow nearby properties.

**Policy**

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

**Ashfield Local Plan Review (ALPR) (2002):**

ST1 – Development.

ST3 – Main Urban Area.

**National Planning Policy Framework (NPPF) (2012):**

Part 7 – Requiring Good Design.

**Emerging Ashfield Publication Local Plan (2016):**

SD1 – Good Design Considerations for Development.

SD2 – Amenity.

**Supplementary Planning Document:**

Residential Car Parking Standards (2014).

**Relevant Planning History**

**V/2002/0528** – Two Storey Extension – Conditional Consent – 11/07/2002.

**V/2013/0311** – Two Storey Front and Rear Extension, Balcony on Rear Elevation – Conditional Consent – 22/07/2013.

**V/2017/0265** – Demolition of existing garage and erection of detached annex with flat roofed canopy linking to double garage – Refused – 05/07/2017.

**V/2017/0682** – Demolition of existing garage, construction of front extension, garage and new boundary wall/fence – Conditional consent – 09/01/2018.

**Comment:**

The site is located within the main urban area of Kirkby in Ashfield, where the principle of development is acceptable under policy ST2 of the ALPR (2002).

The application seeks consent for the retention of the existing garage erected within the residential curtilage of 2 Lodge Lane. 2 Lodge Lane is a larger modern two storey detached property, with a large frontage, which currently consists of two detached garages, with one of those being subject to this application.

The garage which is subject to this application benefited from a previous approval under application V/2017/0682. The garage is contemporary in character and incorporates a pitched roof in its design. The garage has however, been built approximately 2m wider than that originally approved.

A previous application (V/2017/0265) for a detached annex with linked double garage (which included the garage subject to this application) was refused on the basis that the proposal would form an independent residential unit. The application was therefore revised under application V/2017/0682, which was subsequently granted approval.

**Visual Amenity:**

The garage is in a relatively enclosed position, with only the roof of the garage being visible over the current boundary treatment. The proposal itself is not visible from the main public highway of Diamond Avenue, nor is it visible from the gated entrance onto Lodge Lane.

The garage is contemporary in design, incorporating grey garage doors, fascia's, and roof lights, with grey slate tiles and a proposed white render and grey stonework finish to the elevations. The design and materials are considered to be in keeping with the existing character and design of the host property.

A number of concerns have been raised relating to the development being out of character with surrounding properties, particularly those on Thoresby Avenue which are predominantly red brick properties. The Part 7 of the NPPF highlights how planning decisions should not attempt to impose architectural styles or particular tastes, while also not preventing or discouraging appropriate innovation. Taking this into account, it is considered that the overall design of the proposal would not result in significant harm to the character and appearance of the area.

**Residential Amenity:**

A number of concerns have also raised objection to the development being overbearing, overshadowing and resulting in a loss of light.

The rear elevation of the garage is set approximately 2m off the boundary line of No.11 Thoresby Avenue as identified on the plans provided, although it is noted that there is a land dispute in this area. This measurement has also been checked on site. The garage is situated at the end of the residential gardens for Thoresby Avenue.

The garage incorporates a pitched roof into its design which slopes away from the boundary line. The garage will reach a maximum eaves and ridge height of approximately 2.6m and 4.9m respectfully. There are no significant land level differences between the application site and surrounding properties, and the nearest residential property to the development (12 Ruby Gardens) is located approximately 19m away, with the closest on Thoresby Avenue (No.9) being located approximately 28.5m away. Taking the above factors into account, it is considered that the garage would not result in any overbearing or overshadowing impact, nor would it result in any unacceptable levels of loss of light to these properties, albeit it being 2m wider than originally approved.

Concerns have been raised relating to the intended use of the garage, which include the possibility for it being associated with a commercial use. A condition is therefore suggested which would require the garage to be used solely for residential purposes only.

The impact upon property value is not a material planning consideration, and works commencing on site prior to the issuing of a decision is done so at the risk of the owner applicant, and leaves the applicant open to potential enforcement action should the authority consider it expedient.

**Disputed land:**

A number of concerns have raised the observation that the garage is built on land not owned by the applicant. Land ownership disputes are not material planning considerations, and are therefore a civil matter. However having assessed the submitted details, including the plans application form, this illustrates that the strip of 'disputed land' is approximately 2m wide, which is the remaining distance from the rear of the garage to the boundary. The applicant has also signed 'Certificate A' within the application form, which certifies they are the owner of the land in which this application relates.

**Highways:**

Adequate visibility splays are maintained at the entrance to the site, in addition to the site also conforming to the Residential Car Parking Standards SPD with regards to suitable space being provided to accommodate off-street parking. Therefore there are no highway safety concerns associated with this proposal.

## **Conclusion :**

Having reviewed all the submitted information, and assessing this against all relevant policies and material planning considerations, conditional consent is recommended for this application.

**Recommendation:** - Full Application Conditional Consent.

## **CONDITIONS**

1. This permission shall be read in accordance with the following plans: Proposed Site Plan and Elevations, Drawing No.T904-PL32 Rev.A, Received 26/04/2018. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
2. The hereby permitted garage shall be kept available for the parking of motor vehicles at all times. The garage shall be used solely for the benefit of the occupants of the dwelling of which it forms and their visitors, and for no other purpose and permanently retained as such thereafter.

## **REASONS**

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To safeguard the amenities of residents living in the vicinity of the application site.

## **INFORMATIVE**

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. The garage shall be offered adequate protection from any harmful ground gas which may be present.
3. If un-natural ground or odour is encountered during construction works, the developer should contact the Council's Environmental Health team at the earliest opportunity.