



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 9/1/2019

COMMITTEE DATE 24/01/2019 **WARD** St Mary's

APP REF V/2018/0416

APPLICANT D Rolfe

PROPOSAL Decking, Office, Shed and Erection of Fencing

LOCATION Bank House, Church Street, Sutton in Ashfield, Nottingham,
NG17 1EX

WEB-LINK <https://www.google.co.uk/maps/@53.1240781,-1.2692164,18z>

BACKGROUND PAPERS A, C

App Registered: 11/07/2018

Expiry Date: 28/01/2019

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

This application has been referred to Planning Committee by Cllr. H Smith on the grounds of overlooking and over intensification of the site.

The Application

This is an application for the construction of decking, an office, storage shed and the erection of fencing located in the rear garden of Bank House, located within the Sutton in Ashfield Church and Market Place Conservation Area.

Consultations

The application has been advertised in the local newspaper, by site notices and with individual notification to surrounding residents.

The following consultation responses have been received:

Resident Comments:

9x Letters of objection have been received from 6 local residents. The grounds for the objections are as follows:

- Noise & anti-social behaviour
- Overlooking/loss of privacy
- Overbearing
- Eyesore
- Lighting
- Increase in bedrooms due to re-location of office

Policy

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

National Planning Policy Framework (NPPF) 2018:

Part 8 – Promoting Healthy and Safe Communities

Part 12 – Achieving Well Designed Places

Part 16 – Conserving and Enhancing the Historic Environment

Ashfield Local Plan Review (ALPR) 2002:

ST1 – Development

ST2 – Main Urban Area

EV10 – Conservation Area

HG8 – Residential Care Facilities, Houses in Multiple Occupation Bedsits, Flats and Hostels

Relevant Planning History

V/1984/0288

Details: Residential home for the elderly

Decision: Conditional consent

Date: 05/06/84

V/1986/0343

Details: Alterations and extensions to form home for the elderly

Decision: Conditional consent

Date: 31/07/86

V/1987/0739

Details: Bedroom extensions and conservatory

Decision: Conditional consent

Date: 04/02/88

V/2002/0035

Details: Conservatory to rear

Decision: Unconditional consent

Date: 18/02/02

Comment:

This application proposes a decking area, timber office, and timber storage shed to the rear of the property.

The application site is currently occupied and utilised as a residential institution. Planning permission was granted in 1986 for the change of use of the property from a dwellinghouse (C3) to a care home for elderly only (residential institution) (C2).

A further two planning applications are currently being deliberated to remove Condition 2 of planning permission V/1986/0343 and Condition 3 of planning permission V/1987/0739. These two conditions restrict the use of the premises, known as Bank House, for a residential home for the elderly only, and their removal, would subsequently permit the premises to be operated for any purpose falling within the C2 Use Class.

The applicant has erected the decking and outbuildings based on an assumption that the site benefited from permitted development rights

The application site is located within the main urban area of Sutton in Ashfield, where the principle of development is considered acceptable as set out within policy ST2 of the ALPR 2002.

Principle of Development & Visual Amenity:

Since its conversion to a residential institution, the application site does not benefit from permitted development rights, as it is no longer a dwellinghouse.

Having said this, it is pertinent to mention due to its setting in a residential area, that should this property have been a dwellinghouse, the decking area and smaller storage shed would have been classed as permitted development. The larger timber office shed used as an office space, would however have required permission, due to it being over 2.5m in height and within 2m of a boundary.

Whilst this property does not benefit from permitted development rights outbuildings are a common feature observed within the curtilage of surrounding properties. In this respect, the timber office building and shed are considered to not be out of keeping in terms of what is commonly found within the immediate area of the site, and assimilates into the residential setting.

It is acknowledged that the timber office building and decking is visible from the grounds of the immediate neighbouring properties, the abundance of existing boundary treatments and vegetation, including mature trees, hedges and shrubbery, largely reduces the visibility of such built form from the neighbouring properties.

It is therefore considered that the development will not have a significant impact on the appearance of the wider area.

Conservation Area:

As previously mentioned, the application site falls within a designated conservation area. A key consideration in assessing the proposal is whether the new development impacts or enhances the character and appearance of the conservation area.

The decking and outbuildings have been erected in the rear garden space in an area which is not visible from the adjacent public highway.

The majority of the works have been constructed using materials natural in appearance, such as timber.

It is therefore considered that the development does not have a detrimental impact on the setting, appearance or visual amenity offered by the wider conservation area.

Residential Amenity:

One of the primary concerns raised by local residents is in respect of the noise and anti-social behaviour generated by the users of the residential institution. Since receiving complaints from local residents in respect of such behaviour, action has been taken by the applicant to resolve such issues, by erecting signage inside and outside the property reminding users to keep their noise levels down.

Whilst it is acknowledged that some noise may be generated from the rear garden whilst users congregate in this area, information provided by the applicant indicates that such periods of times are likely to be limited, due to the existence of a strict daily timetable. It is essential to note however that such behaviour and noise would still exist, even if the decking area and sheds were not erected, as the area would still be garden space which the users could use and frequent. As such, the development does not exacerbate this concern.

Furthermore, despite claims being raised by local residents that the movement of the office space to the timber building has resulted in the creation of additional space to accommodate more clients, this is factually incorrect. The previous office space, has in fact been converted into a group therapy room, and as such, does not result in an increase in users at the property.

Issues have been raised in regards to the overbearing impact that the office space has on neighbouring properties. The office shed is just over 3m in height, and measures approximately 1m higher than that of existing boundary treatments. Furthermore, the office building is sited over 10m from the nearest residential property. It is therefore considered that the proposal does not create any significant overbearing impact on neighbouring properties.

Overlooking concerns and loss of privacy have also been raised in resident objections. It is acknowledged that the decking area does raise users higher than the original ground level of the garden, and views into the garden of the neighbouring property to the east of the site are possible, however they are limited due to the abundance of boundary treatments, both hard and soft, which are further proposed to be improved through the addition of a 0.4m high piece of fencing on top of the existing 2m high eastern boundary wall, between the two properties.

In terms of the overlooking impact arising from the office space specifically, the office windows are sited around 15m from windows at neighbouring property Brookhill.

Views into the ground floor rooms from the office space are generally obscured by existing boundary treatments and vegetation, which again would be completely eliminated through the erection of the proposed fencing. Views from the office building into the first floor rooms at the neighbouring property are considered to be limited because of the distance from the neighbouring property, landscaping and differences in levels.

Partial views of the office building from the neighbouring property are however possible, particularly at first floor level.

The applicant has advised that the office is only used 9.00am – 5.00pm Monday – Friday. To reduce the impact of the office on neighbouring residents from overlooking, noise and disturbance, a condition could be imposed to restrict the use of the office to certain days and times.

Furthermore, the proposed erection of a 0.4m high piece of fencing on top of the existing 2m high eastern boundary wall between the application site and neighbouring property, will further help to reduce any significant overlooking impact arising from the development. It is considered that the proposed erection of fencing would not give rise to any substantial overshadowing impact, due to the proximity of existing built form to the boundary, which is of a greater height.

An issue with security lights has also been raised by a local resident. It should be noted that these are installed to the front and side elevation of the property, and does not form any part of this proposal, and is already under investigation with the Council's Community Protection team.

Other Matters:

The over intensification of the site has also been raised as a concern. It is acknowledged that the premises has been extensively extended over many years, but primarily so when the property was first converted into a residential institution in the 1980's. Since then, the only extension to take place since has been a rear conservatory, some 15 years ago.

The applicant has further stated that two sheds had been in situ in the same position of the newly erected sheds, prior to their occupation of the premises.

It is considered that the erection of two small sheds does not lead to the over intensification of the site.

Conclusion:

Having assessed the development from the application site and neighbouring properties, it is considered on balance that the development of the decking area, and two timber shed buildings, does not give rise to any significant detrimental impact on the appearance of the conservation area or visual amenity of the immediate locality,

due to the overall appearance of the development and the materials used in the scheme.

The amenity of neighbouring residents may occasionally be affected when users frequent the garden space to the rear of the premises, however this impact is likely to be no greater than if the premises was used as a residential dwelling or a care home for the elderly. As such, it is considered that the erection of the decking and sheds does not exacerbate this concern.

Views into the ground and first floor rooms at neighbouring properties from the office space is limited, however the proposed erection of the fencing on top of the existing boundary wall would eliminate any overlooking of neighbours garden space and ground floor rooms. Therefore, the overlooking impact on neighbouring residents would be limited and subsequently cannot be reason to justify the refusal of the application.

Furthermore, the erection of the decking, sheds and boundary fencing is considered to not give rise to any significant overbearing or overshadowing impacts on neighbouring residents.

Approval is therefore recommended for this application, subject to the below conditions:

Recommendation: Approve – Conditional Consent

CONDITIONS

- 1. This permission shall be read in accordance with the following plans: Floor Plans & Elevations, Drawing No. 18-006-101, Received 09/07/18. 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 boundary treatments shall be erected within 30 days of this permission, and retained as such in perpetuity.**
- 3. The use of the hereby permitted office shall take place during the following hours only:**

08.30 to 17.30 Monday to Fridays

REASONS

- 1. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.**

- 2. To safeguard the amenities of residents living in the vicinity of the application site.**
- 3. 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).**