



COMMITTEE DATE 23/10/2019 **WARD** Hucknall Central

APP REF V/2019/0562

APPLICANT Mr & Mrs Landers

PROPOSAL Two Storey Side Extension and Ground Floor Rear Extension

LOCATION 47, Garden Road, Hucknall, Nottingham, NG15 6LH

WEB-LINK <https://www.google.co.uk/maps/place/47+Garden+Rd,+Hucknall,+Nottingham+NG15+6LH/@53.0367881,-1.2170685,18z/data=!4m5!3m4!1s0x4879eab27b4086b7:0x5860d8710f3bad89!8m2!3d53.0365591!4d-1.2170309?hl=en>

BACKGROUND PAPERS A C

App Registered 03/09/2019

Expiry Date 28/10/2019

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

This application has been referred to Planning Committee by Cllr. J Blagden on the grounds of loss of light and impact on neighbouring properties.

The Application

This is an application that seeks consent for a Two Storey Side Extension and Ground Floor Rear Extension.

Consultations

Site Notices have been posted together with individual notification of surrounding residents.

One comment has been received from a neighbouring property objecting to the proposal and raising the following concerns:

- Impact upon natural light to windows on neighbouring property. The windows affected serve a hallway, staircase, dining room, kitchen and bedrooms
- Light deprivation could pose health risk.
- The proposal will be overbearing and have claustrophobic impact
- Overbearing and deprive residents of enjoyment of garden
- How will the side of extension be built without access to neighbouring property
- How will neighbouring car port be protected

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) (2019)

Part 12 – Achieving Well Designed Places

Ashfield Local Plan Review (ALPR) (2002)

ST1 – Sustainable Development

ST2 – Main Urban Area

HG7 – Residential Extensions

Residential Extension Design Guide SPD 2014

Residential Car Parking Standards SPD 2014

Relevant Planning History

V/2019/0231 - Two Storey Side Extension and Ground Floor Rear Extension – Refusal – 19/07/2019

Comment :

The site is located off Garden Road in the main urban area of Hucknall. The proposed extension will extend approximately 2.7m from the side elevation of the property and 3.6m from the rear of the property. The two storey part of the extension will be approximately 5.1m in height to the eaves and 7.3m in height to the ridge. The single storey part of the extension will be approximately 2.4m in height to the eaves and 3.7m in height to the ridge. There are no windows proposed in the side elevation.

This is a revised scheme to overcome the concerns raised in the previous refusal of planning permission. The proposal has been reduced in size, setting it to the front of the side elevation to reduce the impact on the neighbouring properties habitable room windows located on the side of the property.

Visual Amenity

In accordance with the Council's adopted SPD 'Residential Extensions Design Guide' (2014) a setback is usually required on two storey side extensions to alleviate any terracing impacts. However in this case the dwelling is setback approximately 2.5m from the neighbouring property and the proposal has a reduced ridge line, making it appear subordinate to the existing dwelling, therefore the terracing effect is considered to be minimal.

The extension has also been set back from the rear of the dwelling at first floor level by approximately 1.5m to alleviate any impact on the neighbouring properties first floor windows. The materials proposed will match those used in the construction of the existing dwelling with all elevations being a render finish apart from the side

elevation which will remain a brick finish. Overall the design of the proposal is considered appropriate and in keeping with the dwellings in the immediate vicinity and is considered to not have a negative impact on the character of the street scene.

Residential Amenity

One objection has been received from a neighbouring property raising a number of concerns.

A major factor which has been considered in this application is the level of impact upon the residential amenity of the neighbouring property at No. 45 Garden Road.

One of the main concerns raised is the loss of light and overbearing effect the proposal would have on the side windows to No 45 Garden Road. The Council's Residential Extensions Design Guide requires the proposed side extension to not breach the BRE 25° code. A BRE assessment has been carried out fully assessing any impact. As per the Council's 'Residential Extensions Design Guide' the hallways and landing do not constitute habitable rooms. Therefore the assessment has been carried out upon the dining room, kitchen and bedrooms.

There are 4 windows to the first floor side elevation of No 45 garden road. The first window at the front serves a landing, the second two serve the same bedroom and the final one serves a different bedroom. The 25° rule has been applied to the bedroom windows and one window out of the three will breach the rule however this is a second window to that bedroom.

When assessing the ground floor windows of the dining room and kitchen again the BRE assessment has demonstrated that the extension will not breach the 25° rule for these two windows.

From the site visit it has also been noted that the neighbouring property has erected a car port which covers two of the downstairs windows and this structure already impacts the light entering the hallway and one of the dining room windows.

There is a separation distance of approximately 3.5m between the proposed side elevation and the side elevation of No 45 therefore it is considered that it will not have a significant detrimental overbearing effect.

The objection also raised the concern over a potential overbearing impact that may impact the enjoyment of the garden. It is considered that as the two storey part of the extension is to the front of the side elevation and set forward from the rear of the property that it will not have a significant impact on the neighbouring garden.

There are no windows proposed to the side elevation of the extension therefore it does not raise any concerns over loss of privacy.

The concerns raised in respect of how the side elevation will be built without access to the neighbouring property and how the neighbouring car port would be protected during building works are civil matters and not for consideration in this planning application. The agent has confirmed the applicant is aware of these concerns and will act accordingly during the construction. A note is suggested to be attached to the decision advising the applicant of the Party Wall Act.

Car Parking

As the dwelling will be increasing in size to 4 bedrooms, 3 off-road car parking spaces shall be provide for the proposal to comply with the Council's adopted SPD Residential Car Parking Standards (2014).

To the front of the dwelling is a large drive and garage which can provide the car parking spaces.

Conclusion :

Overall, the proposal is considered on balance to be appropriate in terms of design and scale and by using materials matching the existing is sympathetic to its surrounding. It is acknowledged that the proposal will have some impact on the neighbouring property however this has been assessed and is considered minimal and not significant enough to warrant a refusal.

After fully assessing all aspects of the proposal and comments received against the relevant policies it is recommended that planning permission is granted subject to the below conditions.

Recommendation: - Approve – Conditional Consent

CONDITIONS

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. The materials and finishes to be used for the external elevations and roof of the proposal shall match those used in the construction of the existing building.
3. This permission shall be read in accordance with the following plans: Proposed Floor Plans Ward-03b, Proposed Elevations Ward-04b, received 02/09/2019. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

REASONS

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure the satisfactory appearance of the development.
3. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.

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 [Party Wall Act 1996](#) provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings.

A building owner proposing to start work covered by the Act must give adjoining owners notice of their intentions in the way set down in the Act. More information can be found at the following link.

<https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>