



COMMITTEE DATE 21/10/2020 **WARD** Underwood

APP REF V/2020/0521

APPLICANT D Fell

PROPOSAL Dwelling and Associated Access

LOCATION Land adj Rose Cottage, 82 Main Road, Underwood, Nottingham,
NG16 5GN

WEB-LINK <https://www.google.co.uk/maps/@53.0507981,-1.303492,18z>

BACKGROUND PAPERS A, C, D & K

App Registered: 11/08/2020

Expiry Date 05/10/2020

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

This application has been referred to Planning Committee by Councillor Zadrozny on the grounds of residential amenity.

The Application

This is an application which seeks full planning consent for the construction of a two-storey, detached dwelling with associated private amenity space to the rear and off-street parking provision to the frontage of the site.

Consultations

A site notice has been posted together with individual notification to surrounding residents.

The following responses have been received:

Resident Comments:

4x Letters of objection/concern received in respect of the following:

- Loss of privacy – overlooking impact
- Proximity to neighbours – massing and overshadowing impact
- Overdevelopment of the plot
- Impact on visual amenity of the area
- Dwelling should be in keeping in terms of building line and height
- Impact on locally listed building
- Noise and disturbance from use
- Maintenance of trees

Ashfield District Council Arboriculture Officer:

Having reviewed the information supplied in support of the application and conducting a site visit, in order to pass further comments a full tree survey to the minimum standard laid down in BS5837 2012 is required, with an accompanying Arboricultural method statement and Arboricultural impact assessment to be presented.

An Arboricultural report and method statement provided as per the V/2017/0676 & V/2020/0097 has subsequently been submitted to accompany the application. The conclusions from this report have previously been found to be acceptable by the Council's Arboriculture Officer, and its inclusion as part of the application subsequently satisfies the above requirements.

Nottinghamshire County Council Highways:

This is an application for a dwelling in the garden of No.82. The visibility requirement cannot be achieved due to the hedges both sides. However, this is in-keeping with the majority of other off-road parking provision in the area and is therefore acceptable, as was the case for the access provided for no.82 itself. Parking provision is acceptable, and a turning area is to be provided in order to enter and leave in a forward gear. The Highway Authority would not wish to raise objection.

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 5 – Delivering a Sufficient Supply of Homes
- Part 9 – Promoting Sustainable Transport
- Part 11 – Making Effective Use of Land
- Part 12 – Achieving Well Designed Places
- Part 16 – Protecting and Enhancing the Historic Environment

Ashfield Local Plan Review (ALPR) 2002

- ST1 – Development
- ST3 – Named Settlement
- EV8 – Tree and Woodlands
- HG5 – New Residential Development

JUS-t Neighbourhood Plan 2017

- NP1 – Sustainable Development
- NP2 – Design Principles
- NP4 – Housing Type

Supplementary Planning Documents

- Residential Design Guide 2014
- Residential Car Parking Standards 2014

Relevant Planning History

V/2009/0606

- Details: Outline application for two dwellings
- Decision: Refusal

V/2017/0551

Details: Outline application for one dwelling and associated access
Decision: Outline conditional consent

V/2017/0676

Details: Fell one pine tree
Decision: Conditional consent

V/2020/0097

Details: Fell one pine tree
Decision: Conditional consent

Comment:

The application site is located within the named settlement of Underwood, where under policy ST3 of the ALPR 2002, limited development is considered acceptable on the provision that all other material considerations are satisfied.

The application site comprises of a parcel of land fronting onto Main Road, Underwood, between numbers 82 and 84. The area directly surrounding the development site is residential in nature. The neighbouring property no. 82 is a locally listed heritage asset.

The applicant seeks full planning consent for the construction of a detached, two-storey dwelling, with associated parking and amenity space.

A previous application for outline consent for one dwelling has been approved at the site, under planning reference V/2017/0551, and as such, the principle of residential development at the site has been established.

The main issues to consider as part of this proposal is the impact of the proposal on the character and appearance of the locality and nearby heritage assets, as well as the impact of the development on residential amenity, highway safety and arboriculture.

Character, Appearance and Heritage:

The proposed dwelling is to be sited between 82 and 84 Main Road. The property at 82 Main Road is a locally listed heritage asset, and comprises of a detached traditional cottage building of modest proportions, whilst the property at 84 Main Road comprises of detached chalet style bungalow.

The proposed dwelling comprises of a combined kitchen/dining/living room at ground floor level, in addition to a snug/study, utility room and shower room. At first floor level are three bedrooms and three bath/shower rooms. Parking is proposed to be sited to the frontage of the site, whilst an area of private amenity space will be sited to the rear.

The dwelling is proposed to measure 17m in total length, 8m in width at its widest, and will have a height of approximately 4.5m to the eaves and 7.5m in total height. The dwelling will be two storey in height for its entire length, and will project above both neighbouring properties by approximately 1m. The dwelling will be sited approximately 1m further forward than no. 84 and 4m further forward than no. 82.

Part 12 – Achieving Well Designed Places of the NPPF 2019, seeks to ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment. Further, as stipulated in paragraph 196 of the Framework, the effects of a proposal on a non-designated heritage asset should be taken into account when determining an application.

Given the size and scale of the proposed development in comparison to the properties sited either side of the site, the dwelling will subsequently be highly prominent and imposing within the street scene when travelling along Main Road in either direction, detracting from the setting of the adjacent locally listed heritage asset. This impact is further exacerbated by virtue of the fact that the side elevations most prominent within the street scene, comprise of blank elevations.

In addition to the above, the overall size and scale of the development is considered to be out of character with properties within the immediate vicinity of the site. Whilst the proposed dwelling is of a similar length to the neighbouring property at 84 Main Road, the neighbouring property is one and a half storey in height for a length of approximately 9m, before dropping to single storey in height for the remainder of the length. In contrast, the proposed dwelling will be two-storey in height for its entire length (approx. 17m in total). As such, the proposal will be out of keeping with the surrounding form of development, resulting in detriment to the character and appearance of the surrounding locality.

The proposed development is subsequently considered to be contrary to policy ST1 and HG5 of the ALPR, and Part 12 – Achieving Well designed Places and Part 16 – Protecting and Enhancing the Historic Environment of the NPPF 2019. These policies seek to protect the character, quality and amenity of the environment through well designed development, and also seeks to protect the historic environment. The proposal would further be contrary to policy NP2 of the JUS-t Neighbourhood Plan 2017, which requires development in Underwood to reflect the surrounding pattern of development.

Whilst it is acknowledged that the principle of a dwelling has been accepted on the site, the previous decision made clear that the siting, scale, character and appearance of the dwelling would have to be appropriate so as not to have an impact on the street scene or adjacent heritage asset.

Residential Amenity:

Objections have been received from local residents in respect of the proposed development and its subsequent potential impact upon the amenity of neighbouring residents.

As previously mentioned, the proposed dwelling is two-storey in height and will measure approximately 17m in length. Whilst the proposal would not result in any significant loss of light by virtue of the 45 degree rule, the 25 degree rule would be breached. The neighbouring property at no. 84 has a habitable room which is served by a set of glazed doors facing the application site. This is the only source of light into

this room. The 25 degree line from the centre of the glazed doors is breached by the proposed development, indicating a significant loss of light to this habitable room.

In addition to the above, the proposed dwelling will be sited approximately 1m, at its closest, from neighbouring property 82 Main Road, and 3m from neighbouring property 84 Main Road. 84 has a number of side aspect windows along the side elevation facing the application site. Whilst these windows are not afforded the same level of protection as main aspect windows, it is inevitable that given the proximity of the proposal and its overall size and scale, the residents at no. 84 would be subjected to a detrimental massing impact.

In regards to the overlooking impact, the proposed dwelling has been designed to ensure that a minimum separation distance of 21m between all habitable room windows is met, resulting in no significant loss of privacy to nearby residents.

In respect of future occupiers, the proposed development provides adequate internal space and an area of private amenity space to the rear, in accordance with the minimum requirements outlined within the Council's Residential Design Guide 2014. As such, and future occupiers of the dwelling would be afforded an adequate level of amenity.

Arboriculture and Highways/Parking:

To facilitate the proposed development, a number of trees will be required to be felled. This includes one Pine tree, which is protected by a Tree Preservation Order (TPO no. 274).

Permission has previously been given for the felling of this tree, under applications V/2017/0676 and V/2020/0097. As part of the most recent permission to fell the tree, the applicant was required to plant a replacement tree; this being an 'extra heavy standard' Silver Birch tree. The siting of the replacement tree is shown on the proposed site layout plan to the south of the site, adjacent to the proposed site access. The Pine tree protected by the TPO is yet to be felled, and the replacement tree is yet to be planted.

An area of off-street parking is proposed to be provided forward of the dwelling as part of the development. The provision will comprise of two parking spaces, in accordance with the minimum requirement for a three bedroom property, as outlined within the Council's Residential Car Parking Standards 2014, as well as a turning area.

The proposed driveway and parking area will subsequently be sited directly below the canopy of the proposed replacement tree, and within its root protection area, once planted. The Highways Authority have confirmed that the driveway would be required to be constructed from a hardbound material (not gravel) to prevent the transfer of deleterious material (loose stones and gravel) to the public highway in the general interests of road safety, resulting in further potential impact upon the required replacement tree as hardstanding can have implications on tree roots.

Whilst the Highways Authority have provided comments stating that they have no objections to the proposed development, concerns are however raised in respect of the proposed parking area and turning space. The proposed parking and turning area

measures approximately 8-9m in width. As the parking spaces are required to be a minimum of 5.5m in length, this would leave approximately 2.5-3.5m in width behind the parking spaces to facilitate vehicle manoeuvring, to ensure any vehicles enter and egress the site in a forward gear. This is essential given that Main Road is a busy classified road within close proximity to a primary school. The applicant has subsequently failed to demonstrate that the parking, as shown on the proposed site layout, can provide two off-street parking spaces and appropriate turning space.

Planning Balance and Conclusion:

As the Council cannot identify a 5 year housing land supply, the policies which are most important for determining the application should be considered out of date, particularly in relation to housing, and the presumption in favour of sustainable development should be applied, resulting in the tilted balance.

It is acknowledged that the proposal would provide a number of benefits, including support for a small house builder and other economic benefits that would be generated during the construction of the dwelling and occupation thereafter. The proposal would also assist in providing a contribution towards the Districts housing supply, albeit modest.

Whilst the principle of residential development at the site is not disputed, the development scheme proposed would result in a significant adverse effect on the character and appearance of the area, and give rise of harm to a locally listed heritage asset. Further, the proposal by virtue of its siting and overall size would also result in detriment to the amenity of neighbouring residents in regards to massing and overshadowing impacts. As such, any benefits arising from the provision of the additional dwelling would not outweigh the harm identified.

On balance therefore, it is considered that the proposal does not constitute an appropriate form of development, and it is subsequently recommended that this application be refused.

Recommendation: Full Application Refusal

REASONS

- 1. The proposal would result in the provision of a prominent and imposing building within the street scene by virtue of its siting, scale and design, resulting in detriment to the character and appearance of the locality. Further, the proposal would also detract from the adjacent locally listed heritage asset, resulting in harm to its setting. The proposed development is subsequently considered to be contrary to policy ST1 (a & b) and HG5 (g) of the Ashfield Local Plan Review 2002, and Part 12 – Achieving Well designed Places and Part 16 – Protecting and Enhancing the Historic Environment of the National Planning Policy Framework 2019. These policies seek to protect the character, quality and amenity of the environment through well designed development, and also seeks to protect the historic environment.**

- 2. The proposal would result in significant detriment to the amenity of neighbouring residents in respect of massing and overshadowing impacts, by virtue of the siting, size and scale of the proposed development. The proposal would as such conflict with policies ST1 (a & b) and HG5 (a) of the Ashfield Local Plan Review 2002, as well as Part 12 – Achieving Well Designed Places of the National Planning Policy Framework 2019, which stipulates seeks to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.**

- 3. The applicant has failed to demonstrate that the proposed parking can provide two off-street parking spaces and appropriate turning space to allow vehicles to enter and egress the site in a forward gear. In addition, the parking and turning areas are required to be constructed from a hardbound material, resulting in detriment to the health and quality of the required replacement tree. The proposal is considered to conflict with policies ST1 (b & c), HG5 (e) and EV8 of the Ashfield Local Plan Review 2002.**