



COMMITTEE DATE 20/07/2022 **WARD** Larwood

APP REF V/2022/0456

APPLICANT J Zadrozny

PROPOSAL Replacement dwelling and detached garage

LOCATION 74, Sutton Road, Kirkby in Ashfield, Notts, NG17 8GZ

WEB-LINK <https://www.google.co.uk/maps/@53.1046749,-1.2691536,18z?hl=en-GB>

BACKGROUND PAPERS A, B, F

App Registered 09/06/2022 Expiry Date 03/08/2022

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

This application has been referred to Planning Committee due to the applicant being an elected member

The Application

This is an application for the demolition of an existing two storey detached dwelling and associated outbuildings and the erection of a detached two storey dwelling with a detached garage to the rear.

Consultations

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

Severn Trent Water

- Disposal of surface water by means of soakaway should be considered as primary method. If this is not practical and there is no watercourse available as an alternative other suitable methods should be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.
- The use or reuse of sewer connections either direct or indirect to the public sewerage system will require the applicant to make a formal application to the company under section 106 of the Water Industry Act 1991.
- Suggested Informative

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

ST2 – Main Urban Area

HG5 – New Residential Development

National Planning Policy Framework (NPPF) (2021)

Part 5 – Delivering a sufficient supply of homes

Part 11 – Making effective use of land

Part 12 – Achieving well designed places

Supplementary Planning Documents (SPD)

Residential Design Guide (2014)

Residential Car Parking Standards (2014)

Relevant Planning History

V/2012/0161 - Demolition of Existing Dwelling, Replacement Dwelling with Detached Garage – Conditional

V/2018/0630 - Fence and Posts – Conditional

Comment :

The Site

The application site is located within the main urban area of Kirkby in Ashfield in a predominantly residential area. The site itself comprises of a two-storey detached dwelling with an attached garage and vehicular access to the front of the property. To the front of the property is a small garden area and driveway currently and to the rear is a large garden.

Main Considerations

The main issues to consider in the determination of this application are:

- Principle of development
- Visual amenity
- Residential amenity
- Highway safety

Principle of Development

The application site is located in the main urban area of Kirkby in Ashfield where the principle of development is considered to be acceptable, providing no other material planning considerations indicate otherwise.

The principle of development on this site for the demolition of the existing house and erection of a new dwelling has already been set with an application being given conditional consent in 2012 under ref V/2012/0161. The approved application unfortunately lapsed, and this application seeks consent for the same proposal.

Visual Amenity

As previously mentioned, the area surrounding the application site is predominantly residential in nature. Properties within the vicinity of the site vary in terms of size, type and design but are predominantly two storey detached properties.

The proposed development will comprise of one two storey detached property. The property will be set slightly higher than No.76 Sutton Road and slightly lower than No.72 Sutton Road. The design is considered in keeping with properties within the area and consists of a pitched roof gable ended property with two small pitched roof sections to the front. There is a two storey pitched roof section that extends from the rear and drops down into a flat roofed single storey element.

The materials proposed are facing brickwork with hanging tiles to the sections above the ground floor windows. The gables over the bay windows are to be constructed using treated oak posts with white render between them. A condition is recommended for samples of materials for the external elevations and roof of the proposal to be submitted and agreed in writing prior to commencement of the development.

As part of the proposal the front garden will be block paved with an area of landscaping and a sliding gate is proposed to the front along with a 1m high wall with 0.8m brick piers and steel railings in between. To the side of the property is proposed a driveway which will lead down to the proposed detached garage. Down the side of the dwelling is proposed a timber gate, this is set back slightly from the front elevation of the proposed dwelling. Along the boundary with No. 76 Sutton Road is also proposed a 1.8m high fence with concrete posts and plinths. Due to the varied nature of boundary treatments within the area to both front and rear gardens the proposed are considered of an acceptable design.

The proposed garage is set a distance away from the proposed dwelling in the rear garden. It will be approximately 15.4m in length by 6.5m in width with an

approximate height of 2.3m to the eaves and 5.5m to the ridge. The garage will provide a garage, garden store, garden room and WC at ground floor and storage within the roof space.

Overall the design and siting of the proposal is considered acceptable. It is considered that due to the varied street scene the proposal will be in keeping and will not appear out of place and will not have a detrimental impact on visual amenity.

Residential Amenity

The proposed dwelling has windows at ground floor, first floor and attic level on the side elevation facing No.76. The windows at ground floor raise no concerns as a 1.8m high fence is proposed along this boundary which will mitigate against any overlooking. No.76 has one stained glass window in the side elevation at first floor level. Although the proposed dwelling has windows in the side elevation at first floor and attic it is considered that due to the siting of the windows it is unlikely that any detrimental overlooking will occur. It is also considered that whilst the neighbouring window may experience some loss of light to this window this would not be significant enough as to warrant a refusal.

No.72 has two windows in the side elevation, one at ground floor which is believed to serve a toilet and one at first floor which is believed to serve a landing. Both rooms are not habitable rooms therefore no concerns are raised in relation to loss of light. The proposed dwelling has 3 windows in this side elevation ground floor serving a pantry, first floor serving a bathroom and attic serving a bedroom. Due to the positioning of these windows and the rooms they serve it is considered that they would not result in a detrimental overlooking impact.

On the submitted block plan the 45degree rule has been applied to relevant windows on neighbouring properties both a first floor and ground floor and demonstrates that the proposed dwelling will not breach.

On the rear elevation of the proposal at first floor level a patio door is proposed which opens onto the flat roof of the single storey element of the proposal. In the interests of residential amenity and safety it is recommended that a condition is included for a barrier to be installed prior to occupation to stop the flat roof from being used as a balcony. This will allow the door to be used as a Juliette balcony. Due to the positioning of the balcony set off the boundaries it is considered that whilst there will be a view into the neighbouring gardens this will not be direct and there will be no direct view into neighbouring properties windows. The overlooking

that will occur is considered to not be much more than a view that would be achieved from looking out of a window.

In respect of future occupiers, the proposed dwelling provides an acceptable level of internal space. In addition to this, the dwelling has adequate levels of private outdoor amenity space in line with the minimum requirements as set out in the adopted Supplementary Planning Document, 'Residential Design Guide'.

The proposed garage is sited a distance away from the proposed dwelling in the rear garden. No.76 has a large garage on the boundary and the proposal will run in line with this extending slightly further to the rear. Due to the size and siting it is considered that it would not have a detrimental impact on residential amenity.

Highway Safety

In accordance with the Councils adopted supplementary planning document 'Residential Car Parking Standards' (2014) a 5 bedrooed property should provide 3 off-road car parking spaces. Also proposed in a detached garage and there is sufficient space within the site to provide the required amount of off-road parking.

The proposed dwelling will be served by the established existing vehicular access with a new boundary treatment and gate proposed to the front boundary.

The parking arrangements and access are the same as what were approved in 2012 where they were considered to be acceptable.

It is therefore considered that the proposal will not have any detrimental impact on highway safety.

Other

As part of the application a demolition method statement has been submitted which appears to be the same as what was provided in the original application. This appears acceptable subject to the works being carried out in accordance with the document.

Within the submitted information no drainage plans have been received. The proposed dwelling and garage will both require drainage therefore it is recommended that a condition be attached requesting drainage plans be submitted to and approved in writing by the local authority prior to commencement of the development. Severn Trent Water have also been consulted on the application and have commented that the use or reuse of sewage connections will require a formal section 106 approval. Therefore, the applicant will also need to correspond with Severn Trent Water.

Conclusion :

Overall, the proposed development is considered to be acceptable. It is considered to not have any detrimental impact on visual amenity of the area or character of the street scene or the residential amenity of existing and future occupiers. It has sufficient off-street parking space and is accessed from an existing established vehicular access.

It is therefore recommended that this application is granted planning permission, subject to the conditions detailed below.

Recommendation: - Grant Conditional Consent

CONDITIONS

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. No development shall take place until samples of the materials and finishes to be used for the external elevations and roof of the proposal have been agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out with those materials, unless the Local Planning Authority gives written approval to any variation.
3. This permission shall be read in accordance with the following plans: Site Location Plan, Proposed Block Plan, Proposed Elevations, Proposed Floor Plans, Proposed Garage Plan, all received 08/06/2022. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
4. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
5. The hereby permitted garage shall be kept available for the parking of motor vehicles at all time. 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.
6. No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard-bound material (not loose gravel) for a minimum of 8.0 metres behind the highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard-bound material for the life of the development.
7. No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the discharge of surface water from the driveway area to the public highway. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

8. Any garden fence or other non-permeable structure, should be provided with a small hole (gaps 130 mm x 130 mm and/or railings and/or hedgerows) to allow a continuous pathway in which hedgehogs and other small mammals can move through the developed residential site.
9. At least one bee brick shall be included in the design of the property, and this detail shall be provided in the constructed dwelling prior to its occupation.
10. Prior to the occupation of the hereby approved dwelling a railing shall be installed over the doors at first floor level on the rear elevation to provide a Juliette balcony and shall be retained in perpetuity.

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.
4. To ensure that the development provides a satisfactory means of drainage, in order to reduce the risk of creating; or exacerbating a flooding problem, and to minimise the risk of pollution.
5. To safeguard the amenities of residents living in the vicinity of the application site.
6. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
7. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
8. To ensure the satisfactory appearance of the completed development, an adequate level of amenity, and to enhance biodiversity.
9. In the interest of enhancing local ecology.
10. 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. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be

built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.