



**COMMITTEE DATE**      14/12/2022                      **WARD**              Underwood

**APP REF**                      V/2022/0661

**APPLICANT**                      Mr Nigel Beer

**PROPOSAL**                      Construction of Dormer Bungalow

**LOCATION**                      97 Alfreton Road, Underwood, Notts, NG16 5GA.

**WEB LINK**                      <https://www.google.com/maps/place/97+Alfreton+Rd,+Underwood,+Nottingham+NG16+5GA/@53.0541548,-1.2913374,98m/data=!3m1!1e3!4m5!3m4!1s0x487994bb6e248783:0xa2850ff9ecbc9208!8m2!3d53.054136!4d-1.2910147>

**BACKGROUND PAPERS**    A, B, C, D, E & F.

**App Registered** 01/09/2022                      **Expiry Date** 26/10/2022

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

*This application has been referred to Planning Committee by Cllr Smith to discuss residential amenity.*

**The Application:**

This is a full planning application for one 3-bedroom dwelling in the style of a dormer bungalow. The application site is located within the named settlement of Underwood and currently forms part of the residential curtilage associated with No.97 Alfreton Road, and would be built within the rear garden area.

Officers raised concerns with the agent relating to the proposal, relating to the impact on neighbours, the functionality of the proposed parking arrangement and regarding discrepancies on the plans relating to access widths. Revised plans have therefore been submitted.

**Consultations:**

A site notice has been posted together with individual notifications to surrounding residents. The following responses have been received:

**Resident comments:**

4x representations have been submitted, objecting to the proposal, raising the following points:

- Proposal will be overbearing and dominant.
- Effect the enjoyment of outdoor spaces, such as gardens.
- Over development.
- Overlooking – loss of privacy.
- Loss of light to recreational areas.
- Impact on street scene – will be visible from Beech Court.
- Works to build the current extension are still ongoing after 2 years causing a nuisance, how long will a house take.
- Noise disturbance and pollution increase.
- Front boundary has been extended.
- There is a summer house structure in the garden.
- Boundary fencing destroyed and requires replacing.
- Access cannot achieve width required for emergency vehicles.
- Increase in traffic and parking concerns.
- Not enough off-street parking being provided.
- Visibility issues on exit from the site/neighbouring sites from parked vehicles.
- Impact on hedgerows.

**Ashfield District Council Environmental Health:**

- No objections.

**Severn Trent Water:**

- Informatives advised.

**Nottinghamshire County Council Highways:**

- Refusal recommended.
- A boundary wall has been erected on the public highway (a service strip) and should be removed.

- Once the wall is relocated, combined with the access ramp to the front door, manoeuvrability for the proposed front parking space would be compromised leading to on-street parking.
- Manoeuvrability for the rear parking spaces is of concern, and spaces/turning areas are not dimensioned.
- Driveway width is substandard. Should be 3.6m wide minimum for emergency vehicle access, however the actual driveway width requirement in this instance is 4.25m wide plus 0.5m each side if bound by a hedge, fence or wall (5.25m) which has not been demonstrated.
- No visitor parking provided.

### **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) (2021):**

Part 5 – Delivering a sufficient supply of homes.

Part 8 – Promoting healthy and safe communities.

Part 11 – Making effective use of land.

Part 12 – Achieving well designed places.

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

ST1 – Development.

ST3 – Named Settlements.

EV8 – Trees and Woodland.

HG5 – New Residential Development.

#### **Jacksdale, Underwood, Selston (JUS-t) Neighbourhood Plan:**

NP1 – Sustainable development.

NP2 – Design principles for residential development.

NP4 – Housing type.

#### **Supplementary Planning Documents:**

Residential Design Guide (2014).

Residential Extensions Design Guide (2014).

Residential Car Parking Standards (2014).

**Relevant Planning History:**

V/2021/0136 - Two storey rear extension and porch to front - FULCC.

V/2021/0815 - Two storey dwelling - Withdrawn.

V/2022/0119 - Vehicle access - FUL Refusal.

V/2022/0408 - Two storey dwelling - Withdrawn.

**Material Considerations:**

- Principle of Development.
- Visual Amenity.
- Residential Amenity.
- Highway Safety.
- Conclusions.

Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, if regard is to be had to the development plan for any determination, then that determination must be made in accordance with the plan, unless material considerations indicate otherwise. Therefore, the starting point for decision-making are the policies set out in the Ashfield Local Plan Review 2002 (saved policies).

The National Planning Policy Framework (NPPF) is a material consideration. The policies in the development plan have to be considered in relation to their degree of consistency with the provisions of the NPPF (NPPF paragraph 219). This will depend on the specific terms of the policies and of the corresponding parts of the NPPF when both are read in their full context. An overall judgement must be formed as to whether or not development plan policies, taken as a whole, are to be regarded as out of date for the purpose of the decision.

**Principle of Development:**

The development site is located within the named settlement of Underwood, where 'limited development' is considered to be acceptable providing no other material planning considerations indicate otherwise. The term 'limited development' refers to the total amount of development in each settlement and not to the limit on any one particular site.

The Council are presently unable to demonstrate a five year housing land supply, and therefore there is a presumption in favour of sustainable development unless any

adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

### **Visual Amenity:**

The importance of good design is stressed in the NPPF, with the creation of high quality designs and spaces being a fundamental element of the planning process.

Saved policy HG5 (g) of the ALPR 2002 states residential development will be permitted where its design is acceptable in terms of appearance, scale and siting. Paragraph 124 of the NPPF states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an areas prevailing character and setting (including residential gardens).

Paragraph 130 of the NPPF also sets out that planning decisions should ensure that developments are sympathetic to local character, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Additionally paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The proposed property would be in the style of a dormer bungalow incorporating a Dutch hipped roof (which will include a flat roof section on top) and dormer windows on the front and rear elevations. The building would have a sizeable footprint measuring approximately 11m x 8m, and have an eaves and ridge height of approximately 3.1m and 6.5m respectfully.

This stretch of Alfreton Road displays a varied street scene, displaying a mix of terrace, detached and semi-detached properties of different styles albeit all being 2-storey in scale and sitting parallel to the public highway to display a uniform appearance. Immediately to the rear of the site are a number of bungalows along Beech Court, which are presented to the street scene in a cul-de-sac arrangement.

The proposed development is considered to constitute back land development due to its positioning within the rear garden of the existing property. The erection of the proposed dwelling would not be in keeping with the plot formations within the vicinity, which are generally typified by dwellings with long linear gardens to the rear.

Overall it is considered that the proposed dwelling would fragment, and appear at odds with, the existing pattern of development within the vicinity, appearing as an incongruous addition to the plot.

The submitted planning statement indicates that other sites within the vicinity, namely numbers 5 Beech Road and 81 Alfreton Road, have undertaken development in their rear gardens which has resulted in the plot formations within the vicinity being fragmented. Officers have reviewed these two sites and identified the following:

- 5 Beech Road, Underwood was for the erection of one dwelling which constituted an infill development site fronting on to the highway (V/2018/0183).
- 81 Alferton Road, Underwood was for the demolition of an existing dwelling and outbuildings the erection of one new replacement property on the plot (V/2018/0793).

Therefore it is considered that both of the applications referred to display a different site context and would have been subject to different policy and material considerations and carry little weight in the assessment of this application.

### **Residential Amenity:**

Achieving a good site layout is critical to delivering a well-designed and functional development which provides acceptable and suitable internal and external environments, which ultimately supports the health and wellbeing of their users.

The addition of the proposed dwelling onto this plot is considered to result in an overall cramped form of development which fails to provide acceptable standards of amenity for existing and future occupiers.

The Council's adopted Supplementary Planning Document on Residential Design sets out minimum sizes for private garden areas and separation distances between properties. Whilst it has been indicated that the garden area for the proposed property would meet (and exceed) the required space standards for a 3-bedroomed property, providing approximately 90sqm, a portion of this is taken up by an outbuilding in the garden. The placement of the new dwelling does however significantly reduce the available outdoor space of the existing dwelling, taking it below the required standards by providing only 54sqm as opposed to the required 70sqm for a 3-bedroomed property. Much of this space also consists of a raised hard surfaced patio area. Given its elevated position, low level balustrade and proximity to the new proposed dwelling the patio area is considered not to constitute 'private outdoor amenity space' due to its siting.

With regards to separation distances, although a cross section has been illustrated on the submitted drawing this is inaccurate as it does not appear to take account of the fact the proposed dwelling has been moved slightly further back into the plot (westwards). This results in a separation distance of approximately 20.27m between the proposed dwellings at the closest point, which is marginally below the 21m sought. It has not been demonstrated that the proposal would not adversely affect the amenity of neighbouring properties. For example, a separation distance of approximately 18.4m would be achieved between the new dwelling and the conservatory to the rear of No.99 Alferton Road. Large dormer windows are proposed on the front and rear elevations of the property which largely serve bedrooms. Given their relationship with surrounding properties it is considered that a detrimental level of overlooking would occur from these windows, having a significant effect on the residential amenity of nearby residents.

The topography of the area is mixed, with the site generally sloping westwards towards Beech Court. It has been identified that there is an approximate level change of up to

1.7m between the rear elevation of No.97 and the ground level where the new dwelling would be erected. The level of the land/dwellings on Beech Court, which appear to be lower still, has not been identified, nor has the proposed finished floor level of the proposed dwelling. Given the scale and siting of the proposed property it is considered to appear as an unduly overbearing feature within close proximity to existing residential properties, including bungalows, with the varying topography considered to only exacerbate overbearing and overlooking concerns.

Multiple large openable windows are located along the side (south) elevation of the existing property at both ground and first floor levels, serving a lounge, W/C, bedroom, bathroom and ensuite. Not only would these windows being opened possibly obstruct vehicle access to the rear of the site given the limited width (discussed further below) but it is also considered to create a conflict between existing and future occupiers by negatively affecting the amenity of current occupiers through vehicles manoeuvring, vehicle noise/fumes if windows are open, and other associated activities.

Some of the concerns raised within the submitted objections relate to boundary issues/alleged damages, but these are civil matters outside of the planning process. Other concerns related to disturbances associated with long running building work. The planning team cannot insist on an end date for completion of a development, but any concerns relating to a development in terms of noise generation / working hours etc should be reported via the appropriate channels, such as via the Council's Environmental Health team, for investigation.

### **Highway Safety:**

There are three issues relating to highway safety which are access, parking and manoeuvrability.

In respect of access the highway authority has confirmed the access should be a minimum of 3.6m wide to ensure an emergency vehicle, such as a fire engine, can access the plot to the rear. However, the standards for a private drive serving 2 properties is that the width of the access should be 4.25m with an additional 0.5m added to the width each side where it would be bound by a hedge, fence or wall. As this would be the case in this instance the highway authority would require a width of 5.25m, which has not been demonstrated.

The width of the access does vary along its length with there being an identified pinch point alongside the house towards the front of the site, measuring approximately 3.5m. The access drive narrows even further behind the highway boundary at the front of the site. A note on the submitted layout plan identifies that a portion of the boundary between number 95 and 97 is to remain 'open' to ensure a 3.7m width is achieved for emergency vehicles however changes to the boundary treatment, which could restrict emergency vehicle access, are not within the red boundary of site, are outside of the applicants control and cannot be controlled by condition through a decision on this application.



It is further noted that the width of the access alongside the house could be narrowed even further in the event that side windows at No.97 are opened (As discussed above) this again impacts on the width of the access being too narrow to accommodate an emergency vehicle.

Additionally pedestrian access is available directly from the rear patio area of No.97 out on to the access driveway. Given topographical differences and the balustrades/fencing enclosing the patio area there would be extremely limited visibility of any pedestrian(s) if a vehicle was exiting the site, which is considered to represent a substantial highway safety risk.

The existing property is to be 3-bedroomed so in accordance with the Council's adopted residential car parking standards 2 off-street spaces are required for the proposed dwelling. Although the width of the two spaces has been increased to assist with entry into them, the functionality of these spaces, and whether a vehicle can suitably manoeuvre to ensure they are leaving the site in a forward gear still remains unclear and has not been demonstrated / supported by vehicle tracking plans.

The existing property (No.97) was subject to a two-storey rear extension (V/2021/0136) and the approved plans illustrated the property was to become 4-bedroomed. The applicant stated this was no longer the case and facilitated a visit for the case officer to view the inside of the property, with its layout suggesting that the property was now 3-bedroomed, as depicted in the layout plan contained within the design and access statement. However at time of the visit the property still required much of the internal areas to be fitted out etc. In the event the existing property is to remain 3-bedroomed then only 2 off-street parking spaces would be required.

It is proposed to locate one of these spaces to the front of No.97 which will achieve a space width of approximately 2.4m when taking in to account the presence of an existing access ramp up to the front door and also the front boundary wall which is presumably to be relocated (although this is unclear from the details submitted as the layout plan appears to show the existing and a new proposed wall). Given these factors this space is considered to be contrived, with there being no visibility westwards towards the new dwelling when egressing this space.

An application to create a new vehicle access to the front of the existing property was refused planning permission earlier this year on highway safety grounds (V/2022/0119), increasing the likelihood of increased vehicular conflict. The second parking space for the existing dwelling is to be located at the rear of the garden area.

A turning head is proposed between the new and existing dwellings, indicated to be approximately 3.6m wide. However no vehicle tracking plan has been provided which shows an emergency vehicle such as a fire engine being able to suitably manoeuvre within the site and leaving in a forward gear.

It has not been demonstrated that unobstructed visibility splays can be achieved. Although 2.4m x 43m vehicle splays are indicated on the drawing, the full 43m has not

been indicated, nor is it clear what point this has been measured from. Additionally the 2m x 2m pedestrian visibility splays appears to utilise land outside of the application site and therefore there is no guarantee this would remain free from obstruction, which is unacceptable.

The Council recognise that even if the site was retained for just the host dwelling (No.97) that some of these same issues could well be experienced, however this is considered not to be sufficient justification to allow an intensification of the site via the establishment of an additional dwelling.

Overall it is considered that the cumulative effect of the development on the capacity and safety of the highway network would be severe, and therefore in accordance with paragraph 111 of the NPPF, permission should be refused on highway safety grounds.

### **Conclusion:**

It is considered that the proposal represents an overdevelopment of the application site constituting an inappropriate form of back land development. In addition to this there are significant concerns relating to the impact upon the amenity of nearby residents through the developments overbearing and overlooking impacts, detrimentally affecting the enjoyment of internal and external amenity areas due to an identified shortfall in separation distances.

Additionally it is considered that there would be a severe impact upon the capacity and safety of the highway network via a substandard access, and it has not been demonstrated that the proposed parking and turning facilities can be utilised in a safe and suitable manner to ensure vehicles can leave the site in a forward gear. Furthermore emergency vehicles such as a fire engine would be unable to access the new dwelling at the rear of the site and unobstructed visibility splays which utilise the applicants / highway authorities land has not been demonstrated.

It is therefore recommended this application be refused planning permission based on the above points.

### **Recommendation: Refuse planning permission, for the following reasons:**

#### **Reasons for Refusal:**

1. The proposal would represent a cramped and contrived form of development by way of an overdevelopment of the site, constituting an unsatisfactory form of back land development which conflicts with the predominant style and pattern of development within the vicinity of the application site, which also fails to secure adequate privacy for existing and future occupiers. The proposal is therefore considered to be at odds with the aims of national design policy contained within Part 12 of the National Planning Policy Framework, and also considered contrary

to policies ST1 (a and b) and HG5 (b, c, e and g) of the Ashfield Local Plan Review (2002).

2. It is considered that the proposed development fails to provide a safe and suitable access for all users, and is considered to result in an unacceptable impact upon highway safety as a result of a contrived access, parking arrangement and manoeuvring space. Suitable visibility for all users has also not been suitably demonstrated, leading to an increased likelihood of pedestrian-vehicle / vehicle-vehicle conflict. Consequently the proposal is considered to conflict with Policies ST1 (a, b and c) and HG5 (e) of the Ashfield Local Plan Review (2002), and Paragraphs 110 and 111 of the National Planning Policy Framework.