



Ashfield
DISTRICT COUNCIL

MAP SCALE 1: 1250
CREATED DATE: 19/01/2023

COMMITTEE DATE 01/02/2023 **WARD** Underwood

APP REF V/2022/0864

APPLICANT Mr Lee Smith

PROPOSAL Detached bungalow

LOCATION 26, Main Road, Underwood, Notts, NG16 5GF

Web Link <https://www.google.co.uk/maps/place/26+Main+Rd,+Underwood,+Nottingham+NG16+5GF/@53.0495781,-1.2999953,17z/data=!3m1!4b1!4m5!3m4!1s0x487994a5f8a7a7eb:0xc5629d4b764e12e2!8m2!3d53.0495749!4d-1.2978066?hl=en-GB>

BACKGROUND PAPERS A, B, C, D, F

App Registered 25/11/2022

Expiry Date 19/01/2023

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

This application has been referred to the Planning Committee by Ashfield District Council, for the consideration of the concurrent proposals, whether the proposal(s) would prejudice the comprehensive development of the site.

The Application

Planning permission is sought for the erection of a detached bungalow.

Consultations

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

Severn Trent Water

No objection subject to the inclusion of suggested informatives.

Nottinghamshire County Council Highways

This is a revised application to construct a detached bungalow on the garden of 26 Main Road in Underwood, following a previous application which was refused on both highways, and amenity grounds earlier this year.

Based on the submitted drawing JG/LS/2021/067/01, there is concern around the vehicular visibility splays in that they cross third party land namely no 41 Smeath Road and are through proposed railings which are higher than 0.6m on the plot itself. Visibility splays must be either within the public highway or over land in the control of

the developer to ensure that they remain free from obstruction whilst ever the development remains in existence. Hedges should not be planted within 1.0m of the visibility splay if there is potential for the visibility splay to be encroached upon by vegetation during periods of rapid growth.

As for pedestrian visibility splays, there is only one shown beside the new dwelling whereas it is the missing splay which is more critical given that it is located beside a public right of way. It appears one can be achieved by pushing the built form, and parking further away from the boundary, and reorientating the parking provision slightly.

Two on plot parking spaces are shown, which is an acceptable provision for the number of bedrooms based on Ashfield's own Supplementary Parking Planning Guidance, however the width of the spaces are unclear. Guidance on the design of residential parking can be found in Part 4.1 of the NHDG. No cycle parking is shown either.

Nottinghamshire County Council Rights of Way

Selston Footpath 55 runs adjacent to the application site and appears to be unaffected by the proposal. As such, the Rights of Way Team have no objections.

Resident Comments

15 letters of objection have been received raising the following:

- Main Road cannot cope with anymore through traffic.
- The house would be opposite other properties which will be overlooked. Lack of consideration for nearby residents. The property would cause privacy issues.
- Vehicular access at the bottom of Smeath Road and along Main Road is atrocious with poor visibility, excess traffic due to the school, post office and shop.
- Anticipate further vehicular collisions with additional properties.
- The land would be better used as additional parking for residents at the bottom of Smeath Road.
- This application has been refused twice already and an in-depth report full of inaccuracies should not allow the application to be passed.
- Access off the site will be severely restricted, especially if reversing, by lack of visibility next to a busy footpath.
- Putting another access near the bottom of Smeath Road will prevent parking outside Nos 8 – 12. This will force residents to park away from their homes, causing possible social conflict.
- By garden infilling, the property will have a lack of light and privacy.
- This is not a brownfield site.
- The application does not address the safety of pedestrians or the disabled when entering or leaving the site as a new dropped kerb would be over the

dropped mobility access point to the footpath. The barrier at the end of the footpath also overlaps where the new parking spaces are planned.

- Applicant claims the proposal is not a contrived layout, yet the back of the bungalow leaves barely room for a single slab pathway before the hedge.
- Front of the bungalow is very close to the public footpath and much closer to the road than surrounding dwellings.
- The site is not in a sustainable area, limited local amenities and employment opportunities. Public transport is infrequent.
- Local housing stock has been increased without additional facilities being provided.
- Proposal is in contravention of 3.49 of the ADC Design Guide; habitable window to window from houses opposite is less than 14m.
- Lowering the concrete sectional wall to 1m would do little to improve visibility splay due to the 2m wall of 41 Smeath Road being less than a metre away.
- Proposal threatens a loss of character.
- Allowing this development would take the last piece of greenery away from the centre of Underwood.
- Applicant has already destroyed hedgerow and garden.
- By infilling these gardens losing the feeling of village life; spaces and privacy.
- The Highways Authority have been made aware of the potential risks. To ignore this would leave them very exposed legally speaking.
- Gross invasion of privacy would have psychological damage to residents opposite, if the 21m rule is breached, this may have legal ramifications.
- To allow this would diminish the Planning Department's power to refuse future proposals.
- Questions over the accuracy of the information supplied.
- Site notice has not been displayed.

2 letters of support have been received, raising the following:

- The site currently looks a mess.
- There is not enough housing and people are struggling.

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

ST3 – Named Settlements

HG5 – New Residential Development

National Planning Policy Framework (NPPF) (2021)

Chapter 2 – Achieving Sustainable Development

Chapter 5 – Delivering a Sufficient Supply of Homes

Chapter 9 – Promoting Sustainable Transport

Chapter 11 – Making Effective Use of Land
Chapter 12 – Achieving Well-Designed Places

JUS-t Neighbourhood Plan 2017 – 2032

NP1 – Sustainable Development

NP2 – Design Principles

NP4 – Housing Types

Supplementary Planning Documents:

Residential Design Guide (2014)

Residential Car Parking Standards (2014)

Taking Charge: The Electrical Vehicle Infrastructure Strategy (2022)

National Model Design Code (2021)

The National Design Guide (2021)

Building for a Healthy Life (2020)

Nottinghamshire County Council Highway Design Guide

Relevant Planning History

V/1987/0591 – Site for one bungalow. Refusal. 29/10/1987.

V/2021/0884 – 2 no. semi-detached bungalows. Refusal. 10/02/2022.

V/2022/0188 – Detached 3-bedroom bungalow. Refusal. 17/06/2022.

Material Considerations

- Visual Amenity & Comprehensive Development
- Residential Amenity
- Highway Safety & Parking
- Housing Land Supply

The Site

The application site comprises a parcel of land to the north of 26 Main Road, Underwood.

The site formerly served as domestic garden (to No. 26), though has since been severed through the erection of fencing. Preparatory works, including extensive site clearance has previously taken place.

Selston Footpath 55 runs adjacent to the northern site boundary, whilst access is to be afforded via Smeath Road.

The Principle of Development

Section 70(2) of the Town and Country Planning Act 1990, sets out 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.

Further, Section 38(6) of the Planning and Compulsory Purchase Act 2004, states that if regard is to be had to the development plan for the purpose of any determination, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.

Having regard to the spatial strategy, there is a clear settlement hierarchy in Ashfield District. The first level comprises the main urban areas, whilst the second comprises the villages of Jacksdale, Selston, Underwood and New Annesley, and the Ashfield part of the larger settlements of Bestwood and Brinsley. The application site is located within the named settlement of Underwood, where limited development will be permitted, in accordance with Policy ST3 of the Ashfield Local Plan Review (2002). The term "*limited development*" refers to the total amount of development in each settlement and not to the limit on any one particular site. Paragraph 2.52 of the policy subtext sets out that development at a scale relative to the size and position of the Named Settlements will be permitted.

Due regard is also had to Policy ST1 (ALPR) (2002) which states that development will be permitted where it will not conflict with other policies in the Local Plan.

In assessing all material planning considerations, officers have also had regard to the planning history of the site, and indeed the wider area, insofar as relevant. As regards the application site, planning permission has been refused three times. In 1987, planning permission was refused for the siting of one bungalow (pursuant to V/1987/0591) ("the 1987 application"). In 2021, planning permission was refused for the siting of 2 semi-detached bungalows (pursuant to V/2021/0884) ("the 2021 application"). Finally, in 2022, planning permission was refused for the siting of a detached 3-bedroom bungalow (pursuant to V/2022/0188) ("the 2022 application").

Visual Amenity and Comprehensive Development

Policy HG5 (ALPR) (2002) has regard to the acceptability of new residential development, setting out that development should not adversely affect the visual amenity of the locality.

Paragraph 130(a) of the NPPF sets out that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Paragraph 130(b) requires development to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Turning to the proposed layout and arrangement, Policy NP2 of the JUS-t Neighbourhood Plan 2017-2032 sets out that development should respect local character. As regards Underwood, development should reflect the settlement pattern with streets and blocks arranged to follow the contours. Development should also ensure that there is space for tree planting and other landscaping, in addition to using a locally inspired palette of building materials.

The locality displays a variety of architectural styles, with little to unify the architectural character. Unlike Main Road, there is no prevailing pattern or design of development on Smeath Road. As regards its palette, the proposal would comprise facing brick elevations and interlocking concrete roof tiles. This composition would allow the dwelling to assimilate into its surroundings, without detracting from the character or appearance of the area.

It is a common principle that every applicant is entitled to have their application determined in the light of its own facts. However, regard should also be had to criterion (d) of Policy ST1 (ALPR) (2002), which sets out that development will be permitted where it will not prejudice the comprehensive development of an area. Paragraph 2.32 of the policy subtext sets out that some developments, due to their relationship between the site and adjacent land, may prove to be unacceptable as their implementation in isolation could adversely affect the more comprehensive development of an area of land at a later date. In such circumstances developers will be encouraged to contact landowners to seek a comprehensive solution (emphasis added). In this instance, two applications are running concurrently, which would result in the redevelopment of the wider site (to the rear of both Nos. 26 & 28).

A grant of planning permission (in respect of both applications) would result in 4 dwellings on a parcel of land which extends to approximately 0.157 hectares. The introduction of backland development in this area would result in a cramped and contrived form of development; it would occupy land close to other built forms, creating a poor spatial relationship. Although there is little unification amongst the development in the area, one common characteristic is the presence of spacious garden areas. These open spaces serve as a visual interruption in the built form, and therefore contribute positively to the character and appearance of the area. The erosion of such spaces would fail to respect the existing pattern and grain of development and would detract from the spacious nature of the area. Within this context, the proposed dwelling would appear as incongruous, whilst being visible from the public realm and in views from surrounding properties. The development as proposed would reduce the size of the gardens of both Nos. 26 and 28 Main Road, thereby eroding the character of the area.

Members should note that whilst this piecemeal approach would cause unacceptable harm to the character and appearance of the area, there is some scope for the redevelopment of the wider site (extending to the adjacent application site). However, it is not possible to evolve a scheme in this way under the current

application(s). The most recent iteration of the NPPF places greater emphasis on design, with paragraph 134 setting out that planning permission should be refused for development of poor design, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Plainly, a grant of planning permission would prejudice a more appropriate redevelopment of the site, which might otherwise safeguard the visual amenity of the area.

Criterion (d) of Policy HG5 (ALPR) (2002) sets out that planning permission will be granted where boundary treatment provides an acceptable standard of privacy and visual amenity. Similarly, criterion (h) (ALPR) (2002) places an emphasis on landscaping which complements and enhances the appearance of the development. The drawings submitted in support of this application depict an array of boundary treatments: concrete panelling (2m in height) to the northern boundary, hedging (2m in height) to the east, panelled fencing (1.9m in height) to the south and hedging to the west (1.8m in height). Notwithstanding these positive elements, they do not outweigh the harm identified to the character and appearance of the area.

The proposed development, by reason of its cramped and contrived layout would represent an overdevelopment of the site, which would have a detrimental impact on visual amenity and the character of the area. An express grant of planning permission would prejudice the comprehensive development of the wider site; the cumulative impacts would erode the character and appearance of the area. For the reasons set out above, the proposal is therefore contrary to criterion (g) of Policy HG5 (ALPR 2002), criteria (a), (b) and (d) of Policy ST1(d) of the Ashfield Local Plan Review (2002), the broad aims of Chapter 12 of the NPPF and Policy NP2 of the JUS-t Neighbourhood Plan 2017-2032.

Residential Amenity

Retained Policy HG5 (ALPR) (2002) seeks to ensure that new residential development does not adversely affect the residential amenity of neighbouring properties. This aligns with the thrust of the Council's Residential Design Guide SPD (2014) ("*RDG*").

The application site is encircled by residential development; Smeath Road to the north and east, Main Road to the south and southeast and Albert Terrace to the west.

Paragraph 3.48 of the Council's Residential Design Guide SPD (2014) sets out that homes should provide a comfortable, safe and private space which can be enjoyed by the occupants. In order to ensure this can be achieved minimum separation distances should be applied having regard to site conditions and context. In assessing all material planning considerations, officers have had regard to the

planning history of the site. In respect of V/2022/0188, officers recognised the inadequacy of the separation distances, however, concluded that whilst the proposal falls below the separation distances, and therefore could potentially result in some impact upon amenity, regard should be had to the scale of development (i.e., a bungalow) within its context, together with the presence of high boundary treatments. This, it was found, was sufficient to mitigate against some of the possible harm. Given the similar boundary treatments proposed as part of the current submission, officers have not been presented with any evidence which might warrant a departure from the conclusions reached in respect of the previous submission.

In respect of the 2022 application, the first reason for refusal pertained to the failure to provide basic minimum amenity standards, to the detriment of future occupiers. Turning to paragraph 3.50 of the RDG SPD (2014), where the current proposal provides 2 bedrooms, the minimum outdoor amenity space required is 50sqm. Following a series of measurements, this requirement is exceeded.

Paragraph 3.52 (RDG SPD, 2014) provides guidance in respect of internal space standards, in order to protect the amenity and wellbeing of future occupants. Following a series of measurements, it can be concluded that the proposal is in compliance with the Council's internal space standards.

Taken together, these measures safeguard the standards of amenity for existing and future users, in accordance with paragraph 130(f) of the NPPF.

For the reasons set out above, the proposal would comply with criteria (a), (b) and (c) of Policy HG5 (ALPR) (2002), paragraph 130(f) of the NPPF and the relevant guidance set out in the Council's Residential Design Guide SPD (2014).

Highways and Access

Retained Policy HG5(f) (ALPR) (2002) sets out that new residential development will be permitted where parking facilities are provided in accordance with Council standards. The Council's Residential Car Parking Standards ("RCPS") SPD (2014) sets out the Council's requirement for parking provision to serve new residential developments within the District. Criterion (e) of Policy HG5 (ALPR) (2002) sets out that development will be permitted where access for vehicles, pedestrians and cyclists and public transport where appropriate, is safe and convenient, and integrated with existing provision.

Paragraph 110 of the NPPF sets out that safe and suitable access to the site should be achieved for all users. Paragraph 111 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The eastern site boundary fronts Smeath Road, which experiences high levels of on-street parking, including vehicles parked partially on the footway. Along this section of Smeath Road, there is an absence of parking regulation, which in turn leads to parking on both sides of the road, increasing the likelihood of conflict with pedestrians and other highway users. A number of objections have been received, citing issues relating to highway safety. The congestion of parked vehicles does, in effect, narrow the carriageway width, and in the absence of passing places, hinders safe passage.

Planning permission has three times been refused for the residential redevelopment of the site; both the 2021 and the 2022 applications cited highways reasons for refusal. In respect of V/2022/0188, the second reason for refusal pertained to the inadequate provision for off-street parking and its failure to demonstrate that safe and sufficient manoeuvring and visibility can be achieved. Within the officer's report, it was stated, insofar as relevant, that *"there are concerns relating to the degree of available turning/manoeuvring space into and out of the proposed development site [...] additionally it has not been demonstrated that sufficient visibility can be achieved for pedestrians and vehicles when egressing the development site. This is of significant concern specifically in relation to the proximity of the application site and the adjacent public footpath and junction with Smeath Road/Main Road."*

Similar issues arise in respect of the current application. For completeness, the Highways Authority have been consulted. Whilst no express objection has been raised, a series of concerns have been put forward. Concerns have been raised as to the vehicular visibility splays, in that they cross third party land (No. 41 Smeath Road) and are through proposed railings which are higher than 0.6m. Visibility splays must be either within the public highway or over land in the control of the developer to ensure that they remain free from obstruction. Similarly, the applicant has indicated that on the northern site boundary, the first section of the existing concrete panel fence will be reduced from 2m to 1m. The Nottinghamshire County Council Highway Design Guide ("NCCHDG") sets out at Part 3.3, that all visibility splays are to be kept clear from a height of 0.26m or 0.6m. This has not been achieved.

The Highways Authority raised further concerns in respect of pedestrian visibility splays, given that only one has been demonstrated. The missing splay is considered the more critical, given that it is located beside the public right of way. The presence of walls, over 0.6m in height, compromises visibility. Given the proximity of the application site to the RoW, achieving safe and suitable access is critical.

Having regard to Section 5 of the RCPS SPD (2014), where the dwelling has been designed as having 2 bedrooms, there is a requirement to provide 2 off-street parking spaces. The proposed drawing(s), submitted alongside this application, depict 2 driveway parking spaces to the front of the property. However, officers note the inadequate dimensions of those spaces proposed. The Nottinghamshire County Council Highway Design Guide, at paragraph 4.1.4, has regard to parking space dimensions, setting out that where a space is bound on one side only, the minimum

space width is 3.3m. Using the scaled drawings, the parking spaces proposed measure approximately 2.7m and 2.5m in width, substantially short of the County Council's standards.

Along Smeath Road, a number of properties do not benefit from off-street parking spaces. As such, a number of residents park on the road itself. In the absence of parking regulation, this could result in parking either opposite or outside the application site. In these circumstances, future occupants may find their access/egress to/from the site impeded, whilst increased parking on the footway would give rise to potential danger (and inconvenience) to pedestrians.

For the reasons set out above, the proposal fails to make adequate provision for off-street parking and does not demonstrate that safe and sufficient visibility can be achieved, on a road with identified parking issues, thereby increasing the likelihood of conflict with vehicles and pedestrians. The proposal is therefore contrary to criteria (e) and (f) of Policy HG5 of the Ashfield Local Plan Review (2002), criteria (a), (b) and (c) of Policy ST1 of the Ashfield Local Plan Review (2002), Paragraphs 110 and 111 of the NPPF, the guidance contained in the Council's Residential Car Parking Standards SPD (2014) and the guidance contained in the Nottinghamshire County Council Highway Design Guide.

Housing Land Supply

The Council cannot currently demonstrate a five-year supply of deliverable housing land. Accordingly, in line with paragraph 11(d) of the NPPF, the policies most important for determining the application are out of date. Planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Paragraph 219 of the NPPF (Annex 1: Implementation) sets out that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Notwithstanding the tilted balance being engaged, the proposal would result in significant harm to the character and appearance of the area, by reason of its cramped and contrived layout. Further, an express grant of planning permission would prejudice the comprehensive development of the wider site, having regard to the cumulative impacts. In addition to this, the proposal would give rise to unacceptable levels of harm to highway safety, it has not been demonstrated that safe and sufficient visibility can be achieved on a road with identified parking issues, together with sufficient off-street parking.

To this effect, Policy HG5 is consistent with paragraphs 110, 111 and 130 of the NPPF. The levels of harm identified above should therefore be afforded substantial weight. In light of this, the adverse impacts of granting planning permission, would significantly and demonstrably outweigh the limited benefits associated with the development.

Conclusion

The development proposal would not comply with the provisions of the development plan, when considered as a whole. As such, it is recommended that planning permission be refused.

Recommendation: - Refuse planning permission

REASONS

1. The proposed development, by reason of its cramped and contrived layout would represent an overdevelopment of the site, which would have a detrimental impact on visual amenity and the character of the area. An express grant of planning permission would prejudice the comprehensive development of the wider site; the cumulative impacts would erode the character and appearance of the area. The proposal is therefore contrary to Policy HG5(g) of the Ashfield Local Plan Review (2002), Policy ST1(d) of the Ashfield Local Plan Review (2002), Chapter 12 of the NPPF and Policy NP2 of the JUS-t Neighbourhood Plan 2017-2032.
2. The proposed development fails to make adequate provision for off-street parking and does not demonstrate that safe and sufficient visibility can be achieved on a road with identified parking issues, thereby increasing the likelihood of conflict with vehicles and pedestrians. The proposal is therefore contrary to criteria (e) and (f) of Policy HG5 of the Ashfield Local Plan Review (2002), criteria (a), (b) and (c) of Policy ST1 of the Ashfield Local Plan Review (2002), Paragraphs 110 and 111 of the NPPF, the guidance contained in the Council's Residential Car Parking Standards SPD (2014) and the guidance set out in the Nottinghamshire County Council Highway Design Guide.