

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

6 Lime Tree Avenue, Nottingham

1 SUMMARY

Application No: 13/00345/PFUL3 for planning permission

Application by: Mr Alan Goodwin on behalf of Mr S Jaques

Proposal: First floor side extension, single storey rear extension, two storey rear extension and porch to front

The application is brought to Committee because of an objection by Councillor Unczur.

To meet the Council's Performance Targets this application should be determined by 8th April 2013.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION for the reasons set out in this report, subject to the conditions substantially in the form of those listed in the draft decision notice.

Power to determine the final details of the conditions to be delegated to the Head of Development Management.

3 BACKGROUND

- 3.1 The site comprises a two storey detached dwelling located within a Primarily Residential Area. There is a small driveway to the front of the dwelling, an attached garage to the side, and the main garden area is to the rear. To the north east of the site is 577 Nuthall Road, which is occupied by an office/design studio use, with the closest residential neighbour being to the west, No. 8 Lime Tree Avenue. Opposite the site is a doctor's surgery and the majority of Lime Tree Avenue is residential.

4 DETAILS OF THE PROPOSAL

- 4.1 Permission is sought for a first floor side extension, a two and single storey rear extension and a porch to the front. The proposal has been amended from the original submission. The first floor element of the side extension has been reduced in size to lessen the impact on the neighbours at No.8, and the garage is no longer proposed to be converted into a habitable room, remaining as a garage.
- 4.2 The first floor side extension is proposed to be above the existing garage and set back from the front elevation of the dwelling by 0.9m. It would also not project

beyond the rear wall of the dwelling. A flat roof single storey extension is proposed to the rear of the existing garage measuring 2.8m in length.

- 4.3 The two storey rear extension is proposed to project 4.3m and is designed to form two gable projections with a small flat roof section recessed in the centre. Five new windows are shown on the side eastern side elevation.
- 4.4 A new porch is proposed to the front of the dwelling.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers were consulted on the original submission and again on the amended plans.

577A Nuthall Road, 577 Nuthall Road, 8 Lime Tree Avenue, 1 Kelstern Close.

Comments have been received from the neighbouring properties at each side of the dwelling. The following concerns have been expressed by the occupiers of No. 8 Lime Tree Avenue:

- The new owner of No. 6 has not approached the neighbours about the proposal.
- Concern that given the size of the proposal the dwelling might be turned into a HMO or a care home in the future. A condition should be imposed to ensure the dwelling remains in the C3 use class.
- The loss of the garage would exacerbate the existing parking problems on Lime tree Avenue. Photographic evidence was provided to emphasise the problem.
- The layout of the property appears to suggest it is not intended as a family home.
- Because of the rear extension there will be a loss of privacy for the residents of Kelstern Avenue to the rear.
- The proposed extensions are beyond the building line of No. 8 so will be visible from the kitchen and will affect views and light.
- The side extension would further encroach over the boundary with No. 8.
- Concerns about the drainage to No. 6 and No.8 as a result of the extra rooms.
- Access will not be permitted during the construction period, over the No.8. No boundary treatment belonging to No. 8 will be permitted to be removed.

Following the receipt of amended plans the neighbours submitted a further objection letter which largely advised that their original concerns had not been addressed. They also raised the following additional points:

- Garage notated in resubmission as garage, but could still become “utility room” as originally proposed – there’s no condition on it to say it must remain a garage
- Any second storey building at the side of no 8 will affect the amount of light into the side window of the front first floor bedroom, which already suffers from light deprivation from the Lime Tree on the pavement between the two houses (6 & 8). This amount of loss of light is considered to be unacceptable.

The following concerns have been expressed by the occupiers of No. 577 Nuthall Road:

- The objection is in respect of proposed building works/material alterations to a property that is less than a metre away from the boundary of 577 Nuthall Road, impinges on the privacy of the occupants and materially affects the current view.
- The proposed drawings show intention to extend the side/rear of the house and insert 5 new windows into the right-hand side elevation. All of these windows will face directly onto and into the premises of 577 Nuthall Road.
- If the application is approved, careful consideration should be made of the building materials and finish.
- The rear extension significantly changes the current rural outlook from 577 Nuthall Road.
- Parking is currently a dangerous issue on Lime Tree Avenue. The proposal would exacerbate this.

Following the receipt of amended plans the neighbours submitted a further objection letter which largely advised that their original concerns had not been addressed. They also raised the following additional points;

- The rear extension should be amended by being stepped in away from the side wall to reduce the impact.
- Ground floor side windows would be supported if a boundary fence would be erected to block views into 577 Nuthall Road.

Additional consultation letters sent to:

Pollution Control: Recommend Radon Protection Measures because the site is within Protection Area 3.

Highways: Recommended refusal of the original application due to the loss of off street parking because the garage was originally proposed to be converted into a habitable room. The plans have been amended so that the garage is retained allowing for two off street parking spaces, one at the front of the property and one in the garage. No comment has yet been received in relation to the amended plans but this will be reported at Committee.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on planning applications. Of particular relevance to this application is the need to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Nottingham Local Plan (November 2005):

BE2 – Layout and Community Safety. Complies

BE3 - Building Design. Complies

BE4 - Sustainable Design. Complies

T3 – Car, Cycle and Servicing Parking. Complies

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Principle of development,
- ii) Impact on amenity of neighbouring residents,
- iii) Design and impact on the street scene,
- iv) Parking and highway issues.

(i) Principle of development

- 7.1 As identified within the Nottingham Local Plan (2005), the site is located within a Primarily Residential Area where the principle of suitably designed and located domestic extensions would be acceptable. It is noted that the application being considered is for extensions to a C3 dwelling because the existing use of the dwelling is a family house. Any change of use of the property and the potential impact of such a use would be considered if an application for change of use were to be submitted, but is not a material consideration in this application.

ii) Impact on amenity of neighbouring residents (Policy BE3)

- 7.2 In relation to the impact on the residents of the property to the west, No. 8 Lime Tree Avenue, it is considered that the amendments to the original scheme, which has seen the two storey element immediately adjacent to the shared boundary with this property reduced to a single storey extension, would reduce the impact on this property to an acceptable level. The single storey extension immediately adjacent to the boundary with No. 8 would not result in a significant loss of light or privacy, nor would it be overbearing given its size, design and location. The first floor side extension would not project beyond the rear elevation of the host dwelling. Any issues relating to the location of the extension along the site boundary and access over land in the ownership of No. 8 for construction purposes, would be civil matters between the owners of these properties. The first floor side extension would be above the existing garage and would therefore not alter the access to the side of No.8 at the ground floor. It is noted that in the objection from the owners of No.8 it is indicated that the first floor side window at No.8 is a secondary window to the front bedroom. It is acknowledged that light to this window would be affected by the first floor side extension. However, because this is a secondary window, it is not considered that light to this room would be affected to an unacceptable level due to the fact that the main window is within the front elevation.
- 7.3 It is not considered that the two-storey rear extension would have an adverse impact on the residents of No. 8 given the separation distance between the shared

boundary and the proposed rear extension, which measures 2.6m. Furthermore there is a distance of approximately 3.8m from the side elevation of No. 8 and the proposed two-storey rear extension. The loss of a view is not a material planning consideration.

- 7.4 In relation to the impact on the property to the east, No 577 Nuthall Road, it is noted that this is not a residential dwelling and contains a business use with its car park adjacent to the side of No. 6. However, in order to protect the privacy of the users of this property, it is considered reasonable to impose a condition to ensure that these first floor windows are obscure glazed, particularly as they are secondary windows to the bedrooms. The windows at ground floor level could be installed without planning permission therefore it is unreasonable to impose a condition to obscure glaze these windows. However, a replacement fence along this boundary is considered appropriate to mitigate their impact and to help soften the appearance of the extension.
- 7.5 In conclusion is not considered that the proposed extensions would have a significant adverse impact on the amenity of the neighbouring residents. It is not considered that the proposal, as amended, would result in an unacceptable loss of light or privacy, nor would the extensions have a significant overbearing impact.

iii) Design and impact on the street scene (Policy BE3),

- 7.6 The side extension would be set back from the front elevation and would appear subordinate. To the rear, the extension would not present prominently on the street scene and has been designed to be in-keeping with the host dwelling in terms of scale and design.
- 7.7 It is considered that the proposal is acceptable in terms of design and the extensions would not have an adverse impact on the character and appearance of the host dwelling or the street scene. Amendments to the design of the extensions have improved the appearance of the proposals.

iv) Parking and highway issues (Policies BE2 & T3).

- 7.8 The original proposal included the loss of the garage which was considered to be unacceptable due to the fact that it would result in only one off street parking space. Lime Tree Avenue is often a busy with traffic parking on the street to visit the doctor's surgery. The amended plans show the garage will be retained, thus retaining two off street parking spaces. This is considered to be acceptable based on the details of the previous comments from highways, where it was suggested that two off street parking spaces would be sufficient for this size dwelling.
- 7.9 Concern has been expressed by the neighbouring residents that the garage could be converted into a habitable room without permission. It is considered necessary in this instance to impose a condition on any approval removing permitted development rights to convert the garage into a habitable room, in order to ensure that adequate off street parking remains at the site.

8. SUSTAINABILITY / BIODIVERSITY

Other than those required to comply with Building Regulations, no specific sustainable measures have been incorporated within the proposal and it is not

considered that the matter in this instance (given the size and nature of the proposed scheme) could carry such significant weight to justify refusal solely on this basis.

9. FINANCIAL IMPLICATIONS

None.

10. LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11. EQUALITY AND DIVERSITY IMPLICATIONS

None.

12. RISK MANAGEMENT ISSUES

None.

13. STRATEGIC PRIORITIES

None.

14. CRIME AND DISORDER ACT IMPLICATIONS

None.

15. VALUE FOR MONEY

None.

16. List of background papers other than published works or those disclosing confidential or exempt information

1. Application Reference No: 13/00345/PFUL3

<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13%2F00345%2FPFUL3&action=Search>

2. Highways comments dated 05 April 2013

3. Noise and Pollution Control comments dated 20 February 2013

4. Owner of No. 8 Lime Tree Avenue commented on 20 March 2013, 26 March 2013 and 30 April 2013.

5. Owner of No. 577 Nuthall Road commented on 23 March 2013 and 25 April 2013.

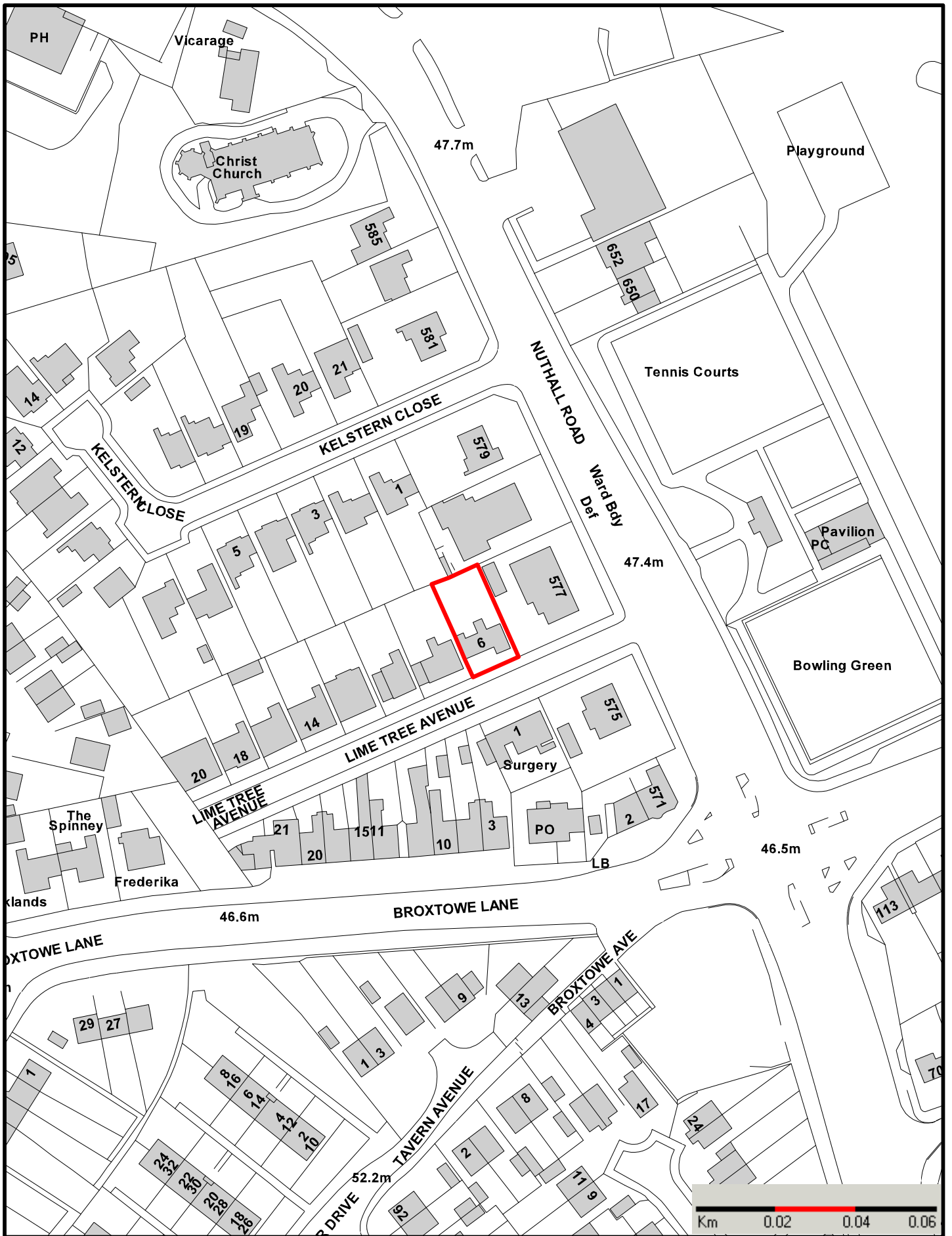
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Kathryn White - Case Officer, Development Management.

Email:kathryn.white@nottinghamcity.gov.uk. Telephone: 0115 8762529



© Crown Copyright and database right 2013. Ordnance Survey License number 100019317



Nottingham
City Council

My Ref: 13/00345/PFUL3

Your Ref:

Contact: Ms Kathryn White

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Mr Alan Goodwin
20 Easthorpe Street
Ruddington
Nottingham
NG11 6LA

Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 13/00345/PFUL3
Application by: Mr S Jaques
Location: 6 Lime Tree Avenue, Broxtowe, Nottingham
Proposal: First floor side extension, single storey rear extension, two storey rear extension and porch to front

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

Time limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre-commencement conditions

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

2. The development shall not be commenced until details of the external materials to be used for the in construction of the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority.

Reason To ensure that the appearance of the development will be satisfactory in accordance with Policy BE3 of the Local Plan.

Pre-occupation conditions

(The conditions in this section must be complied with before the development is occupied)

3. The extended dwelling shall not be occupied until a new fence has been constructed along the eastern side boundary of the site shared with 577 Nuthall Road, details of which shall be first submitted to and approved in writing by the Local Planning Authority.



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ¹ ONLY
Not for issue

Continued...

Reason: To ensure that the privacy of neighbouring residents is maintained in accordance with Policy BE3 of the Local Plan.

Regulatory/ongoing conditions

(Conditions relating to the subsequent use of the development and other regulatory matters)

4. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development', the garage will be retained as a garage and shall not be converted into habitable accommodation without the prior express permission of the Local Planning Authority.

Reason: To ensure that adequate off street parking remains at the site in accordance with Policy BE3 of the Local Plan.

5. The glazing in the windows at first floor level in the eastern side elevation of the dwelling, facing No. 577 Nuthall Road, shall not be other than of obscure glass and non opening.

Reason: To ensure that the privacy of neighbouring residents is maintained in accordance with Policy BE3 of the Local Plan.

Standard condition- scope of permission

- S1. Unless otherwise agreed in writing by the Local Planning Authority or modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
Planning Layout reference PROPOSED FIRST FLOOR PLAN revision Drng No. 6 April 2003, received 16 April 2013
Elevations reference PROPOSED ELEVATIONS revision Drng No. 4 April 2013, received 16 April 2013
Planning Layout reference PROPOSED GROUND FLOOR revision Drng No. 5 April 2013, received 16 April 2013

Reason: To determine the scope of this permission.

Informatives

1. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

2. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the officer's delegated report, enclosed herewith and forming part of this decision.

3. The site is within Radon Protection Area 3. Radon Protection measures are therefore required to be incorporated in the construction of the extension. For further information, please contact Council's Contaminated Land team on 0115 8761457

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

DRAFT³ ONLY
Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 13/00345/PFUL3

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ONLY

Not for issue