

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

33 Wollaton Vale, Nottingham

1 SUMMARY

Application No: 15/01236/PFUL3 for planning permission

Application by: Arrive Design on behalf of Mr I Ahmed

Proposal: Single and two storey extensions to front, side and rear.

The application is brought to Committee because it has generated significant public interest that is contrary to the officer recommendation.

To meet the Council's Performance Targets this application should have been determined by 14th July 2015

2 RECOMMENDATIONS

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

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

3 BACKGROUND

- 3.1 The application site is 33 Wollaton Vale, a detached, two storey dwelling located on the south side of Wollaton Vale. Wollaton Vale is characterised by large detached dwellings, many of which have been substantially altered and extended, resulting in an array of property styles and sizes. The application property stands within a run of detached two storey houses. The adjacent property to the east (no. 31) has a garage adjacent to the shared boundary. This extends back along the boundary and beyond the rear elevation of the application site. The property to the west (no. 35) has an alleyway of approximately 1.2 metres in width, adjacent to the shared boundary. This property has a conservatory extension to the rear.
- 3.2 The application dwelling has a hipped roof with a gable feature to the front elevation. There is an attached garage to the west side of the dwelling although this has been partially demolished during the life of the current application. There is a generous private garden to the rear (south) of the property and the garden to the front of the property is paved, providing off-street parking.
- 3.3 The Tottle Brook runs from west to east through the rear garden of the site. The brook also forms the boundary between Nottingham City Council and Broxtowe Borough Council. The area of garden to the south of Tottle Brook therefore falls under Broxtowe Borough Council's jurisdiction.

- 3.4 There has been a recent enforcement matter relating to the excavation of ground and erection of an outbuilding, to the south of Tottle Brook. An enforcement notice was served and complied with. A new building is now under construction on this part of the site. It is understood, following a discussion with officers at Broxtowe Borough Council, that this building falls within the parameters of Permitted Development.

4 DETAILS OF THE PROPOSAL

- 4.1 Planning permission is sought for a series of single storey and two storey extensions, to effectively remodel the existing property. The scheme has been amended in response to the Council's initial concerns regarding the scale and design of the development and the potential impact upon the amenities of neighbouring occupiers.
- 4.2 As amended, the proposed scheme comprises two storey extensions to the west side, front and rear elevations of the existing property and single storey extensions to the rear. The two storey side extension would be set back from the front elevation of the existing property by approximately 1 metre and would be set in from the west (side) boundary with no. 35 Wollaton Vale by 0.9 metre. Its extent alongside the boundary has been reduced to approximately 7.4 metres, bringing it in line with the rear elevation of the adjacent property to the west. The proposed two storey rear extension would be located within the centre of the rear elevation at a distance of between 4 and 5 metres from the side boundaries. The proposed two storey extension to the front elevation would create a glazed gable entrance feature, extending forward of the existing property by approximately 0.9 metre. The single storey extensions to the rear would extend beyond the existing footprint by between 4.6 metres and 7.6 metres, with the greater projection being adjacent to the east (side) boundary.
- 4.3 The property, as extended, would have a hipped roof with rooflights in the south (rear) and east (side) roof planes. The single storey extensions to the rear would have flat roofs with a parapet detail.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Letters dated 20.5.15 were sent to the following addresses:

31 Wollaton Vale
35 Wollaton Vale
19 Middleton Crescent

The consultation period expired on 12th June 2015. 18 representations were received from local residents, some of whom also act as representatives of the Wollaton Vale Residents Association and The Wollaton Historic and Conservation Society. 16 of the letters raised objection to the proposals and 2 made general comments and queries. The letters of objection raised the following issues;

- The scale of the development is too big for the plot and the surrounding area;
- The façade lacks symmetry. The existing façade is worthy of retention and

- adds to the streetscene;
- The proposed design is bland and modern and out of keeping with the surrounding area;
 - The roof design is poor and the rooflights may result in loss of privacy for the occupiers to the sides and rear of the site;
 - The proposal to build right up to the west side boundary at two storeys in height would infringe upon the 'right to light' of the occupiers of no. 35, reducing light to the windows within the side elevation of this property;
 - The depth of the proposed extensions would impact upon views from neighbouring properties beyond the immediate neighbours;
 - The proposal would present a considerable risk to mains drainage;
 - The porch protrudes forward of the established building line on Wollaton Vale and restricts views from adjacent properties;
 - Construction of the proposed extensions may rely upon access to adjacent properties for erection of scaffolding. This would create hazard and inconvenience for neighbouring occupiers;
 - The construction of a large 'prayer room' at the end of the garden is of concern;
 - The banks of the Tottle Brook have been excavated;
 - There are no eaves shown on the western side of the extensions.

Amended plans were received in August and further letters, dated 27.8.15, were sent to the following addresses;

11 Wollaton Vale
15 Wollaton Vale
23-29 (odds) Wollaton Vale
31 Wollaton Vale
32 Wollaton Vale
35-39 (odds) Wollaton Vale
45 Wollaton Vale
54 Wollaton Vale
19 Middleton Crescent
2 other residents by email.

Ward Councillors were also notified of the amended proposals.

The consultation period expires on 17th September. To date, 6 additional representations have been received, raising the following objections;

- The mass of the building would still impact upon immediate neighbours, despite the minor reduction in scale;
- The building is still too large for the plot;
- The extension forward of the existing building, is of concern. The established building line should be maintained;
- The size of the extension would 'jeopardise' the building under construction as permitted development, within the rear garden;
- The loft space creates a sixth bedroom. No garage provision for a house of this size is of concern. Where will all the cars be accommodated;
- A garage should be provided to prevent parking on the highway and obstruction for pedestrians;
- The front garden wall has been removed and this is out of keeping with the area;

- The space between the application property and no. 35 is still too narrow and reduces light to the east side of the property;
- There will not be sufficient space within the site to accommodate scaffolding etc;
- The existing garage wall is unsafe and requires inspection;
- All concerns raised by the Wollaton Vale Residents Association in their original correspondence are still applicable.

Additional consultation letters sent to:

Pollution Control: No objection. The site falls within a Radon level 2 area and as such an informative detailing HPA Guidance in relation to Radon Protection measures should be included on the decision notice.

Biodiversity Officer: No objection. A condition requiring the submission of a bat survey is recommended.

Broxtowe Borough Council: No objection.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

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 taken on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.

Nottingham Local Plan (November 2005):

NE3 – Conservation of Species

NE10 – Water Quality and Flood Protection

Aligned Core Strategy (2014)

Policy 10 - Design and Enhancing Local Identify

7 APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Scale, Layout and Design
- (ii) Residential Amenity

Issue (i) Scale, Layout and Design (Policy 10 of the Aligned Core Strategy)

- 7.1 The proposed extensions to the property would effectively remodel the existing dwelling, removing the feature gable to the front elevation and creating a dwelling of modern appearance. Whilst it would be preferable to retain the interesting architectural features of the existing building, many of the properties along Wollaton

Vale have been extended and altered to a degree where the original features are no longer prevalent. This has resulted in a wide variation in property scale and design along Wollaton Vale. As such, it is not considered that the modern approach to design for the proposals at no. 33 Wollaton Vale, would have any significant detrimental impact upon the character or appearance of Wollaton Vale.

- 7.2 Concerns have been raised in relation to the scale of the proposed extensions and the resulting dwelling. Following amendments, the proposed extensions have been reduced in scale, particularly at first floor and would now be set in from the west side boundary with no. 35 Wollaton Vale by approximately 0.9 metre. The extension to the side of the property would also be set back from the front of the existing property by approximately 1 metre. It is considered that this would retain sufficient space between the application property and that at no. 35 to ensure that the overall character of Wollaton Vale would not be adversely affected by the scale of the proposal. The scale of properties along Wollaton Vale is varied with some smaller properties and some larger than that proposed.
- 7.3 The proposal includes a two storey entrance feature to the front elevation and concern has been raised about the projection beyond the established building line along Wollaton Vale. However, the building line along Wollaton Vale is varied and does not have a particularly strong emphasis due to the curve in the road. It is not considered that the proposed entrance feature results in any significant impact upon the character of the streetscene. It should also be noted that a single storey porch of equal projection to the two storey extension proposed, could be erected within the parameters of permitted development.
- 7.4 The proposed roof structure would include a flat area at the point where the front, side and rear planes meet. However, this would not be visible from pavement level and is preferable to an increased ridge height, which would have a greater visual impact upon the wider streetscene.
- 7.5 It is proposed to finish the property with render which would avoid any visual impact of mismatching bricks. There are other rendered properties on Wollaton Vale and as such, the use of render is considered to be acceptable in this location. A condition requiring the submission of roof tile samples is recommended to ensure that they would be of satisfactory appearance in context.
- 7.6 Concerns have been raised about the lack of off-street parking provision. The remaining hardstanding to the front of the property is approximately 6 metres in depth and would accommodate at least two vehicles. It would not be possible to enforce the parking of cars within a garage and as such it would not be reasonable to insist upon the inclusion of a garage within the proposals. The proposed external layout and use of the front garden for off-street parking is therefore acceptable. In view of the above, the proposed development would comply with Policy 10 of the Aligned Core Strategy.

Issue (ii) Residential Amenity (Policy 10 of the Aligned Core Strategy)

- 7.7 The majority of concerns raised in relation to the proposed development refer to the impact upon the adjacent property to the west, no. 35 Wollaton Vale. The proposed two storey side extension has been reduced in width and depth to address the impact upon the light to and outlook from this property. As amended, the two storey side extension would not project beyond the first floor rear elevation of no. 35 Wollaton Vale and as such would not have any impact upon the light to, or outlook

from the rear of the property. The single storey rear extension would have a flat roof with an overall height of 3.3 metres and would project beyond the rear elevation of the existing property by approximately 4.8 metres. Taking account of this scale and given that no. 35 has a conservatory extension to the rear of the property, it is not considered that the proposed single storey extension would have any significant impact upon the light to or outlook from the rear elevation of no. 35.

- 7.8 It is noted that no. 35 Wollaton Vale has a series of windows within the east side elevation. However, these are secondary in nature, serving a landing, stairs and the kitchen. The kitchen is also served by a small window, within the rear elevation of the property. The proposed extension to the side of the property has been reduced in scale so that it would not project beyond the rear elevation of no. 35 at first floor and the distance between the proposed extension and the side elevation of no. 35 has been increased to 2.1 metres. Taking account of the relationship between the properties and the secondary nature of the openings within the side elevation of no. 35, it is not considered that the impact upon light and outlook arising from the erection of the proposed extensions at no. 33, would be so significant as to justify the refusal of planning permission.
- 7.9 The depth of the single storey extension adjacent to the east side boundary would increase to 6 metres beyond the rear elevation of the existing property. The adjacent property to the east, no. 31, has an existing single storey rear extension adjacent to the shared boundary and as such it is not considered that the extension proposed at no. 33 would result in any significant impact upon the amenities of the occupiers of no. 31.
- 7.10 The proposed two storey rear extension, as amended would be centred within the rear elevation, positioned at a distance of between 4 and 5 meters from the side boundaries. This is considered to be sufficient distance to prevent any significant impact upon light or outlook from the rear elevations of the adjacent properties.
- 7.11 Concerns have been expressed about the two storey front extension and the impact that this will have upon the outlook from the neighbouring properties. Being only 1 metre in depth, it is not considered that this would have any significant impact upon the outlook from the adjacent properties.
- 7.12 The proposed rooflights within the rear roof plane would be located at a distance in excess of 70 metres from the rear elevations of properties to the south of the site on Middleton Crescent. As such it is not considered that the proposed rooflights would result in loss of privacy for the occupiers of these properties. A condition requiring that the rooflight within the east side roof plane be fixed and obscurely glazed, is recommended to ensure that it would not result in loss of privacy for the occupiers of no. 31 Wollaton Vale. Taking account of the above, the proposed development would comply with Policy 10 of the Aligned Core Strategy.
- 7.13 Concerns have also been raised about the impacts upon views from surrounding properties as a result of the proposed extensions. Whilst the proposed extensions would clearly be visible from other neighbouring properties, it is not considered that they would have any direct impact upon light, outlook or privacy. The right to a view is not a material planning consideration and as such cannot be afforded weight in the consideration process.

Other Issues

- 7.14 Concerns have been raised in relation to the scale of the outbuilding to the south of Tottle Brook. However, this lies beyond the City boundary and therefore falls under the jurisdiction of Broxtowe Borough Council. It is understood that the building is being constructed as permitted development under Part 1 Class E of the General Permitted Development Order. This is a different class to that which covers alterations to the main dwellinghouse (Class A) and therefore the proposed extensions do not affect the permitted development rights in relation to the outbuilding.
- 7.15 Neighbouring occupiers are concerned about the safety of the existing garage wall, which has been partially demolished. This has been brought to the attention of Nottingham City Council's Building Control Service and is currently under investigation.
- 7.16 Concerns have also been raised about the need for access onto neighbouring properties for scaffolding to enable the construction of the proposed extensions. However, planning permission 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. Should planning permission be granted, this would be detailed as an informative on the decision notice. Any dispute over access would be a civil matter.
- 7.17 Similarly, concerns have been raised about the potential damage to trees within neighbouring properties during the construction period. Whilst the trees are not protected and therefore beyond control of the Local Planning Authority, the applicant would require consent from the land owner to remove or prune any trees. Any damage caused as a result of the construction process would be a civil matter.

8. SUSTAINABILITY / BIODIVERSITY (Policies NE3 and NE10 of the Nottingham Local Plan)

- 8.1 The application site is located close to the Wollaton Local Nature Reserve and Tottle Brook bisects the site. There is therefore potential for roosting bats to be present within the roof of the property. It will therefore be necessary to carry out a Bat Survey on the property prior to the commencement of any works to the roof. A condition to this effect is recommended. Subject to this condition, the proposed development would comply with Policy NE3 of the Nottingham Local Plan.
- 8.2 The application site lies within Flood zone 3 as defined by the Environment Agency. The applicant has submitted a Flood Risk Assessment which confirms that floor levels are either no lower than existing floor levels or 300 millimetres (mm) above the estimated flood level and that the property will be flood resistant. The proposal would therefore comply with Policy NE10 of the Nottingham Local Plan.
- 8.3 Concerns have been raised in relation to excavation in proximity to Tottle Brook. The Environment Agency are in discussions with the applicant in respect of this issue.

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

Transforming Nottingham Neighbours – Helping to support sustainable communities by meeting family needs.

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 No: 15/01236/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NNZIDMLY0HZ00>

2. Pollution Control comments, received 20.5.15

3. Biodiversity Officer Comments, received 26.5.15

4. Representation from 11 Wollaton Vale, received 6.6.15

5. Representation from 15 Wollaton Vale, received 17.6.15

6. Representation from 23 Wollaton Vale, received 10.6.15

7. Representation from 25 Wollaton Vale, received 9.6.15

8. Representation from 27 Wollaton Vale, received 19.6.15

9. Representation from 29 Wollaton Vale received 7.6.15

10. Representation from 31 Wollaton Vale, received 6.6.15

11. Representation from 32 Wollaton Vale, received 9.6.15

12. Representation from 35 Wollaton Vale, received 25.5.15

13. Representation from 35 Wollaton Vale, received 4.6.15

14. Representation from 39 Wollaton Vale, received 11.6.15

15. Representation from 39 Wollaton Vale (Wollaton Historic and Conservation Society), received 10.6.15

16. Representation from 39 Wollaton Vale received 10.6.15

17. Representation from 45 Wollaton Vale, received 3.6.15

18. Representation from 54 Wollaton Vale, received 9.6.15

19. Representation from S Reader of Wollaton Vale, received 14.6.15

20. Representation from P Diggle of Wollaton Vale, received 10.6.15

21. Representation from unknown address, received 3.6.15

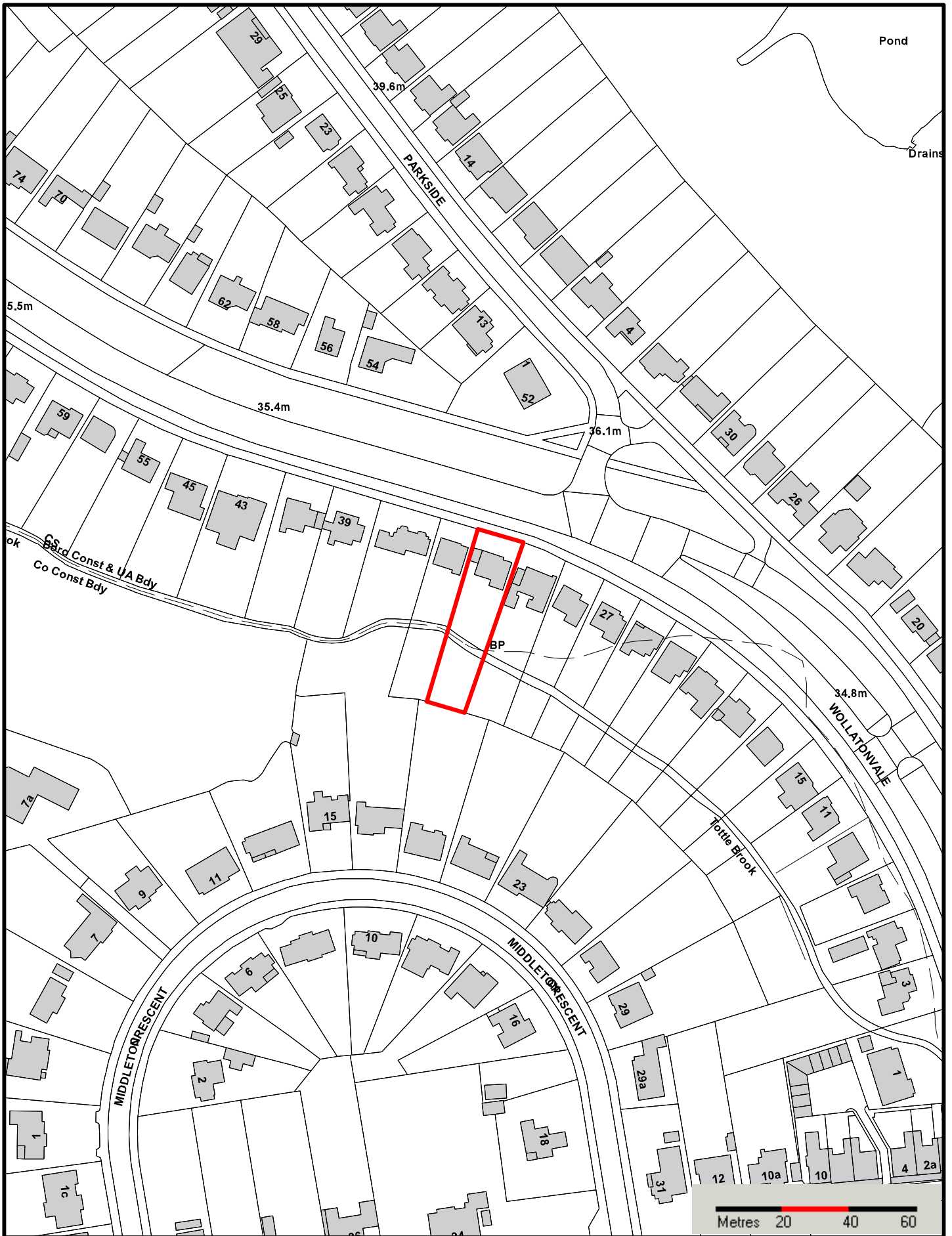
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
Aligned Core Strategy (2014)

Contact Officer:

Mrs Zoe Kyle, Case Officer, Development Management.

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Nottingham
City Council

My Ref: 15/01236/PFUL3

Your Ref:

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Date of decision:

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

Application No: 15/01236/PFUL3
Application by: Mr I Ahmed
Location: 33 Wollaton Vale, Nottingham, NG8 2PD
Proposal: Single and two storey extensions to front, side and rear.

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. Notwithstanding the submitted details, the development shall not be begun until a survey to establish the presence or absence of bats within the roof of the property, has been submitted to and agreed in writing with the Local Planning Authority.

Where the survey(s) indicate that protected species are, or are likely to be, present, the development shall not be begun until a scheme of mitigation measures, to include measures for their protection during construction, details of any habitat replacement to be incorporated into the development, a timetable for implementation, and subsequent habitat management arrangements, has been submitted to and agreed in writing with the Local Planning Authority.

The development shall thereafter be carried out in accordance with the details of the agreed mitigation scheme.

Reason: In the interests of nature conservation in accordance with Policy NE3 of the Nottingham Local Plan.



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Not for issue

Continued...

3. The development shall not be commenced until details of the materials of the roofs of the extensions hereby permitted, have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall be carried out in accordance with the approved details.

Reason To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Aligned Core Strategy.

Pre-occupation conditions

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

There are no conditions in this section.

Regulatory/ongoing conditions

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

4. The rooflight within the east (side) roof plane of the extensions hereby permitted, shall be obscurely glazed and fixed and shall be retained as such for the life of the development.

Reason: To safeguard the privacy of the occupiers of the adjacent property in accordance with Policy 10 of the Aligned Core Strategy.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
Drawing reference 01 - PROPOSED GROUND FLOOR PLAN revision A, received 27 August 2015
Drawing reference 02 - PROPOSED FIRST FLOOR PLAN revision A, received 27 August 2015
Drawing reference 03 - PROPOSED LOFT PLAN revision A, received 27 August 2015
Drawing reference 04 - PROPOSED ELEVATIONS revision A, received 27 August 2015
Drawing reference 05 - SURVEY ELEVATIONS AND PLANS, received 12 May 2015
Drawing reference 06 - STREETSCENE ELEVATION, received 27 August 2015
Drawing reference REVISED BLOCK PLAN, received 27 August 2015

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 Health Protection Agency/Public Health England advises developers to consider installing basic radon protection measures in new properties and extensions that are located in radon Class 2 areas (1-3% probability). Further guidance may be found in Radon: Guidance on Protective Measures for New Buildings BRE 211 (2007), Building Regulations Approved Document C and the Public Health England website <http://www.ukradon.org/>.

3. Construction & Demolition - Noise Control: Hours of Work

The acceptable hours for demolition or construction work are detailed below; -

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)
Saturday: 0830-1700 (noisy operations restricted to 0900-1300)
Sunday: at no time
Bank Holidays: at no time

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

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.

RIGHTS OF APPEAL

Application No: 15/01236/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.