

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

11 Langdale Road, Nottingham

1 SUMMARY

Application No: 15/02493/PFUL3 for planning permission

Application by: Molyneux Smith Chartered Architect on behalf of Ms Neghat Khan

Proposal: Single storey rear extension (retrospective).

The application is brought to Committee because it has been submitted on behalf of a Councillor.

To meet the Council's Performance Targets this application should have been determined by 30th November 2015

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the conditions 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

The property is a semi-detached, two-storey dwelling on the north side of Langdale Road located within a Primarily Residential Area. The yard at its rear is approximately 0.5m lower than the house and the garden slopes away from the house.

4 DETAILS OF THE PROPOSAL

4.1 Planning permission is sought for retention of a single storey extension at the rear of the house. The extension is substantially complete and came to the notice of the council following an enforcement complaint.

4.2 The extension projects 3.9m to the rear of the property, with a width of 5.5m with a lean-to roof to a maximum height of 3.8m (3.2m eaves height). There are patio doors and a window in the rear elevation and steps down to the garden.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Notification letters were sent to 9 and 15 Langdale Road, 2 Totnes Road and 12 and 14 Ashdale Road.

One letter of objection has been received from the occupier of the unattached neighbouring house. This relates to a concern about blocking light to their kitchen, and to the condition of the building site, the time it has taken to complete the work and the danger to children of the site being open.

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.

Aligned Core Strategy

Policy A: Presumption in Favour of Sustainable Development - working proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy 1: Climate Change - development proposals will be expected to mitigate against and adapt to climate change.

Policy 10: Design and Enhancing Local Identity - new development should be designed to create an attractive, safe, inclusive and healthy environment.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Design and impact on the street scene;
- ii) Impact on residential amenity.

i) Design and Impact on the Streetscene (Policy 10 of the ACS)

- 7.1 The proposed extension is considered to be of an appropriate scale and design and both bricks and roof tiles match the existing house. The proposal therefore complies with Policy 10 of the Aligned Core Strategy regarding design.

ii) Impact on Residential Amenity (Policy 10 of the ACS)

- 7.2 The extension has an impact on light to the bay window on the rear elevation of the attached house, 15 Langdale Road. The extension is to the west of this neighbour and would affect late evening sun and light generally. Nevertheless, it is noted that there is a generally open outlook to the rear of these houses, and that the attached neighbour has not objected to the proposal.

7.3 The extension will have some impact on the light to the kitchen window in the side of the neighbouring property. However, it is noted that an extension with a 3 metre rear projection could be built as 'permitted development', and that this would have a similar impact on the kitchen window.

7.4 It is considered, then, that the impact on both neighbouring properties is acceptable and that the proposal therefore complies with Policy 10 of the Aligned Core Strategy regarding impact on amenity.

8. SUSTAINABILITY / BIODIVERSITY

Whilst no specific features have been highlighted in the planning application, the extension would need to incorporate appropriate energy/water conservation measures in order to comply with current Building Regulations. As an extension to an existing dwelling it is considered that this is sufficient to satisfy the requirements of Policy 1 of the Aligned Core Strategy.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The scale of this development (between 3 and 6 metres in length for semi-detached houses and single storey extension) is within the size limit for larger home extensions under temporary legislative arrangements for permitted development which were introduced in 2013 and currently are to continue until 2019.

However, these arrangements do not apply where the development has already commenced, hence the requirement for the householder in the present case to submit an application for express permission.

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 No: 15/02493/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NV88YXLY00L00>

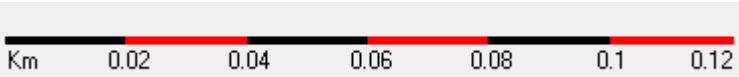
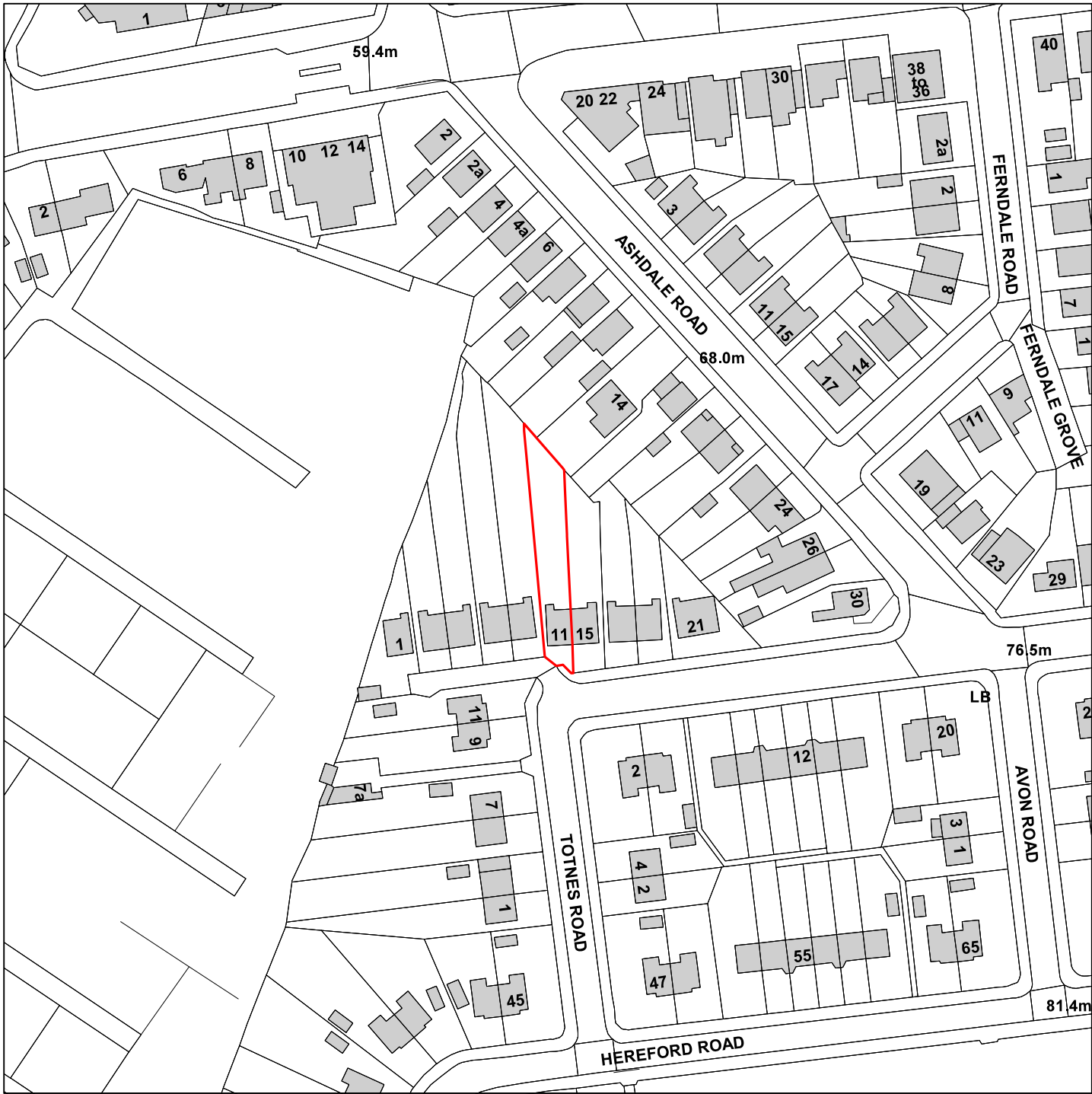
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

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Date of decision:

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

Application No: 15/02493/PFUL3
Application by: Ms Neghat Khan
Location: 11 Langdale Road, Nottingham, NG3 7FG
Proposal: Single storey rear extension (retrospective).

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

. There are no conditions in this section.

Pre-commencement conditions

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

There are no conditions in this section.

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)

There are no conditions in this section.

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 forms, drawings and other documents comprising the application as validated by the council on 5 October 2015.



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Not for issue

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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 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: 15/02493/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.