

**REPORT OF HEAD OF PLANNING**

**14 Victoria Crescent, Nottingham**

**1 SUMMARY**

Application No: 16/00607/PFUL3 for planning permission

Application by: Haven Architecture Ltd on behalf of Ms E Hipkiss Mr L Phillips

Proposal: New first floor and two storey side extension to create two storey dwelling. New boundary wall and gates.

The application is brought to Committee by request of a Local Ward Member due to the level of concern raised by neighbouring residents.

To meet the Council's Performance Targets this application should be determined by 22<sup>nd</sup> July 2016.

**2 RECOMMENDATIONS**

1. Grant 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 Head of Development Management and Regeneration.

**3 BACKGROUND**

3.1 The application site is located within a Primarily Residential Area and the Mapperley Park/Alexandra Park Conservation Area. It is currently occupied by a single storey dwelling of modest height (5.4 metres) with a narrow street frontage and its main entrance on the side (west) elevation facing 12 Victoria Crescent. The dwelling is of a 1960's style and is understood to have been constructed on a former tennis court of a neighbouring property on Richmond Drive. The property is of little architectural merit, although the low height and shallow pitched roof gives it a limited presence in the streetscene. There are a number of mature trees and shrubs on the application site, including a large walnut tree to the western boundary of the site close to 19 and 21 Richmond Drive. The site is currently partially bounded to the front with timber close boarded fencing. Off-street parking is available at the front of the dwelling.

3.2 The application site is bounded on either side by 12 and 16 Victoria Crescent, traditional Edwardian 2 and 3 storey detached dwellings. To the rear of the site are properties on Richmond Drive and these are again of traditional Edwardian/Victorian style. Victoria Crescent slopes steeply down from the north with no. 16 being on a higher ground level than the application site and no. 12 being set on lower ground.

- 3.3 Planning permission for an extension to the front of the existing garage at the property was granted in January 2014 and remains extant (13/02762/PFUL3).

#### **4 DETAILS OF THE PROPOSAL**

- 4.1 This application is seeking permission for the erection of a new first floor over part of the existing dwelling and a two storey side extension to create a 2-storey dwelling on the site. A new boundary wall and vehicular access gates are also proposed.
- 4.2 Following the submission of amended plans the application is proposing the construction of a first floor with mono-pitch roof sloping away from 16 Victoria Crescent in powder coated standing seam for a depth of 13.5 metres. The rearmost 5.3 metres of the dwelling would remain as single storey with the existing pitched roof being removed and replaced with a flat roof finished with sedum. To the western side elevation a 2-storey extension is proposed in front of the existing main entrance, this too would have a mono-pitch roof. The extensions are proposed to be constructed in render and brick cladding with aluminium window frames.
- 4.3 The proposed extensions would result in the creation of 5-bedroom dwelling with generous ground floor living accommodation. The amended plans show windows serving first floor principal rooms predominantly within the front and rear (north and south) elevations. High level windows are proposed within the side elevations at first floor level.
- 4.4 Amended plans show a front boundary wall of approximately 1.8 metres in height as it steps down the slope in the road on Victoria Crescent. The proposed wall would replace the existing close boarded fencing to the front and 2 solid timber gates would allow access to the site.

#### **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

##### **Adjoining occupiers consulted:**

11 Neighbours notified of the original proposal on 8<sup>th</sup> April 2016.

6a; 7 (ground & first floor flats); 12; 16 Victoria Crescent; 17; 19; 19a; 21; 23; 25 Richmond Drive.

11 Neighbours plus contributors notified of the amended plans on 24<sup>th</sup> May 2016.

Site notice displayed on the 8<sup>th</sup> April 2016.

Press notice published on the 20<sup>th</sup> April 2016.

Public consultation period expired on 23<sup>rd</sup> June 2016 (following the grant of an extension for the submission of comments due to the amended plans being submitted just before the school half term holiday).

##### **Responses to the original plans:**

Neighbour, 12 Victoria Crescent:

- Proposed works will have a significant and detrimental impact on the residential

amenities of both the property and garden of 12 Victoria Crescent by virtue of overlooking and overshadowing from substantial windows and side facing balcony. This is exacerbated further by the removal of trees along the common boundary, understood to be consented by the Council.

- Development is considered to be harmful to the character and appearance of the Conservation Area and contrary to existing development plan policies and the NPPF advice.
- Victoria Crescent is on a steep incline and no. 12 is positioned at a lower ground level to the application site. At present the eaves line of no. 14 is ground floor level to no. 12 and views from no. 12 are onto the side wall of the bungalow which is acceptable as light feeds into the neighbouring property over the low ridge height of the bungalow ensuring that it does not appear intrusive, overbearing or does it overshadow the house and garden at no. 12. The current arrangement affords a high level of privacy to no. 12's property and garden.
- The proposal is effectively the replacement of a modest low height bungalow with a new two-storey house. It is requested that the applicant be asked to explicitly confirm that the works do not entail the substantial demolition of the dwelling and its replacement with a new dwelling. If this is the case the application is incorrectly submitted.
- Such a large expanse of glazing to the side wall is not appropriate where dwellings are in close proximity to each other and will result in a very different outlook from no. 12, particularly in the winter when the deciduous trees have lost their leaves.
- There is an application pending consideration for extensions to no. 12 which has been designed with full consideration of any impact upon neighbours.
- There is guidance on other Council websites that quote: there should be a minimum of 22 metres between habitable room windows and 13 metres between habitable room windows and a wall exceeding the height of that window. These distances are relevant on flat ground; on sloping ground an increased distance is required. If these standards cannot be fully provided overlooking can be reduced by: i) screen walls or fences; ii) obscure glazing; iii) the installation of high level windows or roof lights. The use of side windows in extensions adjacent to boundaries should be avoided, as a view across adjacent land/gardens, or adequate light, cannot be assumed.
- The Design Statement submitted with the application fails to discuss the relationship of the application site with 12 Victoria Crescent.
- Privacy within garden areas is a character of the Conservation Area. The proposed expanse of glass facing the boundary with no. 12 violates the very nature of what the Conservation Area is trying to conserve.
- The most usable part of the garden at no. 12 is that immediately to the side of the application site as this is level and receives most of the sunshine throughout the day. The garden at no. 12 whilst large, has several unusable areas as it is on a steep incline from the patio to the rear of the garden.
- No objection to the plot being developed but more consideration should be given to how the property can be extended sympathetically not just how large it can be made. The first floor and roof should be redesigned to be more respectful to the neighbours and thus smaller in its design to minimise overshadowing.
- Design of the proposal is unattractive and looks like a commercial office unit not a family home. The design has not achieved its task in creating something which will benefit the streetscene visually and will actually look out of place. Therefore in its current state the plans should be rejected; requiring serious amendment before any future applications are submitted.
- The plans show a gate and new boundary wall on part of the land belonging to

no. 12 where no. 14 have right of access. This has not been agreed to and ask that the front wall and gate be redesigned.

Neighbour, 17 Richmond Drive:

- This proposed development is too large for the space.

Neighbour, 16 Victoria Crescent:

- The property at 16 Victoria Crescent will have originally been designed to allow the rooms on the western elevation to take advantage of the outlook and views down the Crescent and across Nottingham. The current proposal would result in this historic house that has been sympathetically restored over the past 4 years losing these elements.
- This proposal will affect the views from our property.
- Windows to be inserted in the side of the proposed dwelling facing their property will directly look into their side facing windows at very close range resulting in a loss of privacy and outlook to their affected rooms.
- The bungalow extends some distance beyond the back wall of 16 Victoria Crescent, and as such the impact in relation to overshadowing and also loss of privacy extends not only to the side of number 16 Victoria Crescent but also to the most private area of the garden immediately behind the house.

Mapperley Park Residents Association:

- Believe that the amenity of no. 12 is seriously infringed and the amenity of no. 16 is partially infringed by the proposal.

Nottingham Civic Society:

- Removal of the bungalow is not a problem, its replacement with a building 2-storey in height could have a greater impact upon the settings of heritage assets nearby. The proposed shallow pitched roof appears somewhat at odds with the traditional Mapperley Park roofscapes of steeper pitches.

Neighbour, 19 Richmond Drive:

- There would be overlooking to properties at the rear on Richmond Drive due to the proposed increase in height and provision of a balcony.
- This proposal is too ambitiously modern to be sited alongside the Edwardian dwellings of 19 and 19a Richmond Drive.

Neighbour, 21 Richmond Drive:

- Disappointed to have learnt about this through a council letter rather than informal engagement with the owners themselves.
- A building with variable heights, a feature of many of the older buildings, which still allows views across the site would be more appropriate. The current proposed design does little to relieve the stark rectilinear building form.

Responses to the amended plans:

Mapperley Park Residents Association:

- The proposal will add a significant mass of building into what feels like the back garden space of the urban block.
- An improvement in that the first floor habitable room windows do not overlook the neighbours back gardens, however, the resulting elevations that face 12 and 16 are high, bland and imposing and there is a full height corner window directly overlooking the back garden of 12 Victoria Crescent.

- The positioning of the proposed two-storey extension would require the cutting back of trees in the garden of 12 Victoria Crescent.
- The submitted plans are confusing.

Neighbour, 12 Victoria Crescent:

- The reduction in the bulk of the building is an improvement on the previous proposal, however the design and materials are still unsympathetic to the character of the Conservation Area and of a quality which is very clearly unsuitable for this special area.
- Concerned that the flat roof element will be extended upon at a later date under permitted development.
- Plans remain unacceptable to occupants of 12 Victoria Crescent in that they will still cause a significant loss of privacy through overlooking, have an overbearing impact due to increased bulk and mass and will result in loss of residential amenity.
- Remains detrimental to the character of the Conservation Area.
- Full height corner window to the west elevation of the proposed new dwelling will result in direct overlooking to 12 Victoria Crescent. Strongly object to any windows facing no. 12, windows in the new dwelling should look out to the front and back elevations on the site, be discrete and be oriel in style so as to avoid overlooking.
- The proposed height of the dwelling along with the now proposed 2-storey extension to the west elevation will bring the dwelling closer to the boundary with 12 Victoria Crescent and due to the change in level the dwelling will appear as 3-storey from the neighbouring property and garden.
- The proposed dwelling would be visible from the gardens of properties on Victoria Crescent and Richmond Drive due to its positioning 2/3 into its plot compared to the most properties that sit 1/3 into their plot. This would be incongruous.
- Do not feel that an extension of the size proposed is needed, the re-design results in an extension close to the boundary with 12 Victoria Crescent which increases the mass considerably. There is clearly scope downstairs for further guest room accommodation to be provided.
- Concerned about the mature and established trees on the boundary which are within the garden of 12 Victoria Crescent and will be affected by the proposed extension. Feel that the cutting back of these trees is inappropriate and will further affect privacy and exacerbate the issue of overbearing impact.
- There appears to be some confusion in relation to the height of the roof and would like this clarifying. Such errors make it very difficult to visually assess the true impact of the proposal.
- The levels shown on the new site layout appear to be entirely fictitious as 16 Victoria Crescent seems to be considerably higher than it actually is. Surveyors have not accessed neighbouring land indicating that the development has not properly taken into consideration the height of the proposed roof in relation to no. 16.
- Other details on the plans are either vague or appear incorrect. This inaccurate information means it is necessary to proceed with caution over the proposals
- No second storey should be allowed on this bungalow. It should maintain its low profile within the streetscene. It has recently been exposed by the removal of fence panels. It is clear that any increase in height at the front would visually compete with the surrounding historic Edwardian houses.
- All of the newer houses on the street in infill plots are single storey so as to avoid competing with the original historic houses. Would be more appropriate to

add accommodation within the existing roof space. If this is allowed it would set a precedent for other bungalows in similar plots to do the same.

- Query the original consent for the bungalow and whether a further storey is actually permitted.
- Proposed render to the front wall would be incongruous. Small front gate is of a poor design and would be difficult for the applicants to drive onto their land.
- Design is unimaginative, unattractive and very poor. The proposed building is at odds with the surrounding area. Would expect design proposals to look to surrounding shapes, colours and materials to create an exceptional example of modern day architecture. It would appear that the applicants wish to make as large a property as possible for as little cost as possible. Any new design should aim to retain the low profile always intended, keep the property hidden from the street and meet the quality expected in a Conservation Area.
- The proposal would result in a very large dwelling 287.65 sq. m (external floorspace) compared to an average generous modern 5 bedroom 2-storey dwelling of approximately 195 sq. m.
- Whilst it is acknowledged that Mapperley Park has been subject to change from infill development in the past, particularly with bungalow development, the proposed extensions, which effectively replace the bungalow with a significantly larger house introduces a new built form here which is considered out of scale with the existing plot size and the hierarchy of buildings within the streetscape and in doing so undermines the visual hierarchy of this part of Victoria Crescent.
- The full height glazing to bedroom 1 appears to be as such to enable conversion of the sedum roof to a balcony in the near future. Should planning permission be granted a condition should be added to any consent stating the permission would be required for such works.
- The omission of a first floor towards the rear of the building will reduce the impact to an extent in relation to the rear garden but is offset by the new side extension which will be clearly visible from both the house and garden. Its close proximity is such to appear intrusive and overbearing.
- The proposed revised extensions have not sought to incorporate the existing character and scale of the single storey building into the proposed house but sought to achieve a new dwelling in both scale and character on this site which still reflects the original proposal.
- Views, particularly by virtue of glimpses, within the Conservation Area would be lost through the increase in the ridge height of the proposal.
- The Mapperley Park and Alexandra Park Conservation Area and Management Plan (2007) refers to large gardens providing a “valuable sense of space and mature landscapes” which we should preserve for future generations (paragraph 5.1).
- The choice of materials and design elements introduced to resolve neighbour amenity issues introduces alien and discordant features at odds with the character and appearance of this part of Victoria Crescent.

Neighbour, 17 Richmond Drive:

- Object to the resubmission, which looks like a complete new build, and will have significant detriment to neighbours and is not in keeping with the Mapperley Park Conservation Area.

Neighbour, 21 Richmond Drive:

- The reduction in bulk of the building is an improvement, however, the design and materials are still unsympathetic to the character of the Conservation Area.
- Concerned that the introduction of the flat roof area and reduction in scale is to

secure planning permission but will be later extended to the size and scale of the proposal under permitted development.

- The odd arrangement of panels of different materials do not present a coherent whole, in particular the brick cladding, a material most frequently used on short lived industrial buildings, will appear fake and unduly precise. It is a material most commonly seen in commercial outlets and as such has no place in a conservation area.
- There are no public benefits to the proposal, it will result in harm to the character and appearance of the conservation area and the setting of nearby older buildings which are the essence of the area. The proposal does not meet the requirements for historic areas set out in national policy.

Neighbour, 16 Victoria Crescent:

- It is assessed that virtually the whole length of the side of 16 Victoria Crescent will face, at close range, the side of the two storey extension. This along with the introduction of side facing first floor windows, albeit to bathrooms, will inevitably be a perception of being overlooked and an ability to look into the large side facing windows in 16 Victoria Crescent which will result in a diminution of residential amenities.
- By virtue of the position, height and bulk of the first floor extension there will be an overshadowing of side facing windows and the area of garden behind the dwelling at 16 Victoria Crescent. In addition there will be unacceptable overlooking from the first floor rear windows, in particular the first floor glazed wall to bedroom 1, which will facilitate wide views of the rear garden at ground level (due to the levels difference between the site) and the loss of the high level of privacy currently enjoyed at the property.
- It is not considered that the amended plans reduce the impact on no. 16 to a sufficient level to address visual impact issues, especially in relation to the views afforded from no. 16 over the top of the existing bungalow.
- The large increase in the size of this property is contrary to policy requiring a mix of dwelling types and sizes within an area.

#### **Additional consultation letters sent to:**

**Conservation & Design:** Following the submission of amended plans it is felt that on balance and subject to conditions on materials, the application would preserve the special architectural character of the Conservation Area and would comply with policy BE12 of the Nottingham Local Plan and section 12 of the NPPF.

**Tree Officer:** No objection.

**Pollution Control:** No objection. Construction and demolition informative to be imposed.

## **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 development plan policies, which are set out in the report, the NPPF is a material consideration in the assessment of this application.

6.2 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 to identify the significance of the heritage asset. The NPPF advises that Local Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the positive contributions they can make to sustainable communities, including their economic viability and to local character and distinctiveness.

- 6.3 Paragraph 131 of the NPPF advises that, in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness.

### **Aligned Core Strategy (2014)**

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.

Policy 11: The Historic Environment - seeks to conserve and/or enhance the historic environment and heritage assets in line with their interest and significance.

### **Nottingham Local Plan (November 2005):**

BE12 - Development in Conservation Areas.

NE5 - Trees.

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

- (i) Design and impact upon the Mapperley Park/Alexandra Park Conservation Area
- (ii) Residential amenity

**Issue (i) Design and impact upon the Mapperley Park/Alexandra Park Conservation Area and Trees (Section 12 of the National Planning Policy Framework; Policies NE5 and BE12 of the Local Plan; Policies 10 and 11 of**



## **the Aligned Core Strategy; Mapperley Park/Alexandra Park Conservation Area Appraisal 2007)**

- 7.1 The application site is located within a Primarily Residential Area as defined by the Local Plan. There is therefore no objection in principle to residential extensions, provided that they comply with the other policies of the development plan.
- 7.2 The proposed extension is considered to be of an appropriate scale and design for this location within the Mapperley Park/Alexandra Park Conservation Area. It is proposed to extend the bungalow, which is currently of no notable architectural value, by adding an additional storey and significantly altering the appearance of the elevations by changing window and door openings, the roof profile and the facing materials. The elevations would all be remodelled to feature aluminium framed windows, cream coloured render, red brick cladding and mono pitched and flat roofs. Because of the building's siting and profile, its impact on the streetscene would remain relatively low following completion of the proposed works. Although the first floor extensions would lead to an increase in the building's overall mass, the maximum height of the building is increased by only 1.55m and the front elevation's proportions would remain domestic in scale.
- 7.3 The Mapperley Park/Alexandra Park Conservation Appraisal seeks to resist extensions on the front or principal elevations, and secure extensions that are of subordinate scale. However, it is considered that the application proposal is a comprehensive remodelling of the original building and that it is appropriate to consider the proposals against the guidance for new development. All proposals for new development must be in keeping with the character of the residential area, taking into account the physical scale and form of the prevailing area; existing trees; and the impact in the street scene. Any proposal that harms this character will be resisted. The appraisal notes that boundary walls should be of Bulwell Stone.
- 7.4 The Appraisal requires all new developments to be carefully designed having regard to their context, using good quality materials and architectural detailing. Buildings should be set back from the road, and set within landscaped grounds. Existing trees, where they make a contribution to the visual amenities of the Area, and boundaries, should be retained.
- 7.5 As a remodelling of an existing property, the application does not involve the development of a previously undeveloped garden. The development is well designed in its own right and it is considered that it will make a positive contribution to local character and distinctiveness by virtue of being a distinct modern structure that adds to the overall history and development of the Conservation Area. The proposal is therefore considered to represent a form of development that will enhance the Conservation Area.
- 7.6 It is recommended that any grant of planning permission is subject to a pre-commencement condition in relation to the approval of all external materials to ensure the development is of an acceptable high quality commensurate with its Conservation Area location.
- 7.7 The quality of detail, proportions and ratios of solid to void on the east and west elevations, are slightly compromised by the constraints of the site and the need to minimise overlooking of neighbouring properties. However, these elevations will have a minimal impact on the character of the conservation area and would not in

themselves make the scheme unacceptable from a conservation perspective.

- 7.8 The amended plans show a 2-storey extension to the western elevation in close proximity to trees within the neighbouring (12 Victoria Crescent) property. The two closest trees are a Damson and a Laburnum which are considered to add little to the character of the Conservation Area and the council's tree officer advises that a TPO could not be justified. On this basis no tree protection condition is required should planning permission be granted.
- 7.9 For the reasons above it is felt that on balance and subject to conditions on materials, the application would preserve and enhance the special architectural character of the Conservation Area and would comply with Policy BE12 of the Nottingham Local Plan, Policies 10 and 11 of the Aligned Core Strategy and section 12 of the NPPF.

#### **Issue (ii) Residential amenity (Policy 10 of the Aligned Core Strategy)**

- 7.10 Having regard to the design, scale, location and outlook from the proposed development, and the relationship with the site boundaries, it is considered that the proposal would have an acceptable impact on neighbouring properties in terms of privacy, daylight, sunlight and outlook.
- 7.11 The amended plans have reduced the extent of the first floor extension adjacent to the boundary with 16 Victoria Crescent both by way of height and depth. The dwelling at no. 16 is Edwardian in age and was designed to take advantage of the far reaching views to the west. 16 Victoria Crescent sits above the application site by approximately 3.4 metres with its lower ground floor level being in line with the current eaves height of the bungalow at no. 14. No. 16 has a number of principal windows on the western elevation all of which look out onto the existing pitch roof, with the exception of those at lower ground level which have a view of the side boundary fence. The amended proposal, with the reduced height mono-pitch roof to the front portion of the original footprint of the bungalow, and the removal of the existing roof pitch to the rear of the original bungalow, would maintain the outlook from the main ground floor living area of number 16.
- 7.12 Whilst it is accepted that the new first floor will be visible from the secondary, linked living area on the ground floor, and also from the first floor bedroom, it is considered that the impact on these rooms will be acceptable in terms of light and outlook due to the distance away from these windows that the increased roof height will be (approximately 11 metres).
- 7.13 The windows to the lower ground floor have a relatively limited outlook and whilst it is accepted that the first floor extension would be visible from these windows, it is considered that it would not have an overbearing impact, and that the effect on sunlight/daylight would be acceptable. Concern has been expressed by the occupants of 16 Victoria Crescent regarding overlooking and loss of privacy from and to the proposed windows within the first floor side elevation. The amended plans show these as being high level and obscurely glazed to serve bathrooms on the first floor. It is considered reasonable to condition that these remain obscurely glazed and fixed, as annotated on the plans, to ensure no loss of privacy.
- 7.14 The amended plans show a significantly reduced level of glazing to the west elevation to prevent direct overlooking and subsequent loss of privacy to the neighbouring property at 12 Victoria Crescent. The glazing which has been

retained on this elevation would be at a high level (over 1.7 metres above the floor level) and would add both interest to this elevation and bring in natural light to the rooms they serve. Part of the large window serving bedroom 1 is shown on this western elevation and it is considered necessary and reasonable for this to be obscurely glazed and fixed as this could look into the private rear garden area of 12 Victoria Crescent. Whilst the property at 12 Victoria Crescent is located on ground at a lower level than the application site the distance between the proposed development and the existing dwelling at no. 12 along with the presence of mature trees and shrubs on the boundary would prevent any significant loss of amenity through overbearing impact or loss of natural light. The outlook from the window serving bedroom 5 within the proposed 2-storey extension to the western side of the application site would be down the garden of the application site, and so this room would not directly overlook the private garden area of the neighbouring property.

- 7.15 There would be a distance of 25 metres from the rear elevation of the first floor element of the extension to the boundary of the application site. This is considered to be sufficient to prevent any significant overlooking or loss of privacy to the dwellings at the rear of the site on Richmond Drive.
- 7.16 Overall with the use of conditions where necessary and reasonable it is considered that the amended plans have overcome concerns relating to the amenity of neighbouring properties and the proposal therefore complies with Policy 10 of the Aligned Core Strategy.

## **8. SUSTAINABILITY / BIODIVERSITY**

- 8.1 A sedum roof is to be incorporated in the rear section of the building. 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.

## **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 No: 16/00607/PFUL3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O46G45LYFFP00>
2. Pollution Control comments 12<sup>th</sup> April 2016
3. Letter on behalf of 12 Victoria Crescent 19<sup>th</sup> April 2016
4. Letter on behalf of 16 Victoria Crescent 19<sup>th</sup> April 2016
5. Letter from 12 Victoria Crescent 25<sup>th</sup> April 2016
6. Public Access e-mail from 17 Richmond Drive 26<sup>th</sup> April 2016
7. E-mail on behalf of Mapperley Park Residents Association 27<sup>th</sup> April 2016
8. Letter from 16 Victoria Crescent 29<sup>th</sup> April 2016
9. Public Access e-mail and E-mail from 21 Richmond Drive 9<sup>th</sup> May 2016
10. Public Access e-mail from Nottingham Civic Society 9<sup>th</sup> May 2016
11. E-mail from 19 Richmond Drive 9<sup>th</sup> May 2016
12. E-mail on behalf of Mapperley Park Residents Association 3<sup>rd</sup> June 2016
13. Public Access e-mail from 12 Victoria Crescent 4<sup>th</sup> June 2016
14. Public Access e-mail from 17 Richmond Drive 6<sup>th</sup> June 2016
15. E-mail from 21 Richmond Drive 14<sup>th</sup> June 2016
16. Letter from 12 Victoria Crescent 21<sup>st</sup> June 2016
17. Letter on behalf of 12 Victoria Crescent 21<sup>st</sup> June 2016
18. Clarification e-mail from agent 21<sup>st</sup> June 2016
19. Conservation Officer comments 21<sup>st</sup> June 2016
20. Letter on behalf of 16 Victoria Crescent 21<sup>st</sup> June 2016
21. Letter from 16 Victoria Crescent 23<sup>rd</sup> June 2016

**17 Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)  
Mapperley Park/Alexandra Park Conservation Area Appraisal (February 2007)

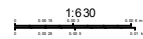
**Contact Officer:**

Mrs Rachel Gaskell (Mon, Tue And Fri), Case Officer, Development Management.  
Email: [rachel.gaskell@nottinghamcity.gov.uk](mailto:rachel.gaskell@nottinghamcity.gov.uk). Telephone: 0115 8764052

# NOMAD printed map



Nomad web map printed by a Nomad user at 14:15, 12/07/2016



## Key



City Boundary



Planning Application Polygons

## Description

No map description



Nottingham  
City Council

**My Ref:** 16/00607/PFUL3 (PP-04907694)  
**Your Ref:**  
**Contact:** Mrs Rachel Gaskell (Mon, Tue And Fri)  
**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

Haven Architecture Ltd  
FAO: Mrs Judy Carr  
The Haven  
70 Main Street  
Willoughby On The Wolds  
Loughborough  
LE12 6SZ

Date of decision:

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

Application No: 16/00607/PFUL3 (PP-04907694)  
Application by: Ms E Hipkiss Mr L Phillips  
Location: 14 Victoria Crescent, Nottingham, NG5 4DA  
Proposal: New first floor and two storey side extension to create two storey dwelling. New boundary wall and gates.

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. Prior to the commencement of the development, the following shall be submitted to and approved in writing by the Local Planning Authority:
  - a) details or representative samples of all external materials to be used in the construction of the extension hereby permitted;
  - b) details of all windows and doors, including cross-sections and reveal depths;
  - c) details of eaves, fascias, soffits, gutters and downpipes.

*Reason: To ensure a high quality development in accordance with Policy BE12 of the Local Plan and Policies 10 and 11 of the Aligned Core Strategy.*

**Pre-occupation conditions**

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



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

**DRAFT <sup>1</sup> ONLY**  
**Not for issue**

Continued...

### **Regulatory/ongoing conditions**

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

3. That part of the window serving bedroom 1 within the first floor western elevation shall be obscure-glazed and non-opening, and shall be retained as such for the lifetime of the development.

*Reason: In the interests of residential amenity to prevent direct overlooking and loss of privacy to the neighbouring property, in accordance with Policy 10 of the Aligned Core Strategy.*

4. The windows within the first floor eastern side elevation shall be obscure-glazed and non-opening, and shall be retained as such for the lifetime of the development.

*Reason: In the interests of residential amenity to prevent direct overlooking of the neighbouring property, in accordance with Policy 10 of the Aligned Core Strategy.*

5. There shall be no direct access from the first floor to the flat roof to the rear of the building, and the flat roof shall not be used as a balcony or sitting out area at any time.

*Reason: In the interests of residential amenity to prevent direct overlooking and loss of privacy to the neighbouring 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 forms, drawings and other documents comprising the application as validated by the council on 17 March 2016.

*Reason: To determine the scope of this permission.*

### **Informatives**

1. 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.

2. 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.

3. Noise Control: hours of work and equipment during demolition/construction  
To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)

Saturday: 0830-1700 (noisy operations restricted to 0830-1300)

Sunday: at no time

Bank Holidays: at no time

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9152020).



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

# **DRAFT <sup>2</sup> ONLY**

## **Not for issue**

Continued...

#### Equipment

All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression/silencers.

#### Dust/Grit and other fugitive emissions

Construction and demolition work invariably generates grit and dust, which can be carried offsite and cause a Statutory Nuisance, and have a detrimental effect on local air quality.

Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays. Appropriate methods include:-

Flexible plastic sheeting

Water sprays/damping down of spoil and demolition waste

Wheel washing

Periodic road cleaning

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.



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

**DRAFT <sup>3</sup> ONLY**  
**Not for issue**

Continued...



## **RIGHTS OF APPEAL**

Application No: 16/00607/PFUL3 (PP-04907694)

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/pcs](http://www.planningportal.gov.uk/pcs).

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**