

REPORT OF CHIEF PLANNER

111 Harrington Drive

1 SUMMARY

Application No: 16/02725/PFUL3 for planning permission

Application by: Mr S. Raza

Proposal: Single storey side and rear extension.

The application is brought to Committee following a request for its referral to Committee by Ward Councillors.

To meet the Council's Performance Targets this application should have been determined by 20/01/2017

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the indicative 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 Chief Planner.

3 BACKGROUND

The property is a detached two storey dwelling established as a House in Multiple Occupation (HMO) with 5 bedrooms, located within a Primarily Residential Area. There is an existing loft conversion at the property which accommodates 1 bedroom, 3 bedrooms to the first floor and 1 bedroom at the front of the ground floor.

4 DETAILS OF THE PROPOSAL

Planning permission is sought for the retention of a single storey side and rear extension; the application is retrospective and the extension is nearing completion. The extension projects a maximum of 3.9m to the rear and 1.5m to the side of the property, with a maximum width of 8.3m. It provides additional kitchen/living/dining accommodation. Windows and French doors are proposed in the rear and side elevations. Following negotiation, amended plans have been received to change the internal layout to provide an open plan kitchen, dining and sitting room.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 The following neighbouring properties were consulted: 109 and 113 Harrington Drive, 72 Harlaxton Drive.
- 5.2 Three objections were received from:
Secretary, Lenton Drives & Neighbours Residents' Association
74 Harlaxton Drive
92 Harlaxton Drive
- 5.3 Comments made are as follows:
- Increase in lettable rooms
 - Is the existing property an HMO? No record of HMO licence. Plans don't show changes to the roof and loft
 - Work has commenced without approval
 - Extension may be used as an additional lettable bedroom
 - Street/area already suffering with HMOs that is creating an imbalance in the social mix of the community, and the problems usually associated with student properties
 - Have suffered noise and ASB from students
 - Marginal increases in bedspaces will commutatively worsen the situation
 - On the face of it looks like a reasonable proposal, however already built and for more students
- 5.4 The local Ward Councillors have submitted the following objection:
- As ward councillors for the area, we wish to object to the above proposal as we believe it is being done to facilitate the enlargement of an existing HMO. We believe this result in an intensification of HMO bedspaces in an area already recognised as having an unbalanced community. Harrington Drive is characterised by high density dwellings. To permit increases in density, in terms of additional occupancy, would result in an exacerbation of amenity concerns such as noise disturbance, parking pressures and waste management issues. The proposal is contrary to Policies ST1 and H6 of the Local Plan, Policy 8 of the ACS and the BBC SPD. Whilst the increase in density of the household would result in a minor increase in the number of HMO bedspaces, the cumulative impact of potentially similar applications would exacerbate the existing problem of over-concentration of HMOs tenants and an unbalanced housing mix.*
- We urge you to reject these proposals.*
- 5.5 Supporting information has also been provided by the applicant. They purchased the property on 16 March 2016 as a 5 bed HMO (the HMO licence was issued on 1 April 2011). The property was occupied by 4 students at that time. They had been advised by their agent that due to the extension not exceeding 4m in projection that it did not require planning permission. They commenced work on this understanding. Permission is required due to the 5.5 sq m southeast corner of the extension; if removed the remainder would be permitted development. The extension has been designed to be sympathetic to the neighbouring properties and reclaimed bricks used in its construction. All other rooms in the house exceed

space requirements for an HMO licence; the extension is to create a quality communal area and not an additional bedspace.

- 5.6 The City Council HMO team have confirmed that a licence for 5 bedrooms has been issued and Council records confirm that between 4 and 5 people have occupied the property over that period.
- 5.7 The applicant also makes reference to a similar single storey rear extension recently approved at 147 Harrington Drive (Planning reference 15/02287/PFUL3), which is also a student HMO.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (2012)

The NPPF advises that there is a presumption in favour of sustainable development. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision making 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.

Nottingham Local Plan (November 2005)

ST1 – Sustainable Communities

H6 – Student Housing

Aligned Core Strategy (2014)

Policy A: Presumption in Favour of Sustainable Development

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Building Balance Communities Supplementary Planning Document (2007) (BBC SPD)

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of the development
 - (ii) Design and impact on the street scene
 - (iii) Impact on residential amenity
- (iv) **Issue (i)** Principle of the development (Policies ST1 and H6 of the Local Plan, policies A, 8 and 10 of the ACS, the BBC SPD)
- 7.1 The objections submitted in relation to this proposal concern the use of the property as an HMO and the potential intensification of this use, all of which is set against a backdrop of the over-concentration of student households in this locality and the detrimental impact that this has on creating a sustainable community.

- 7.2 The property is an existing 5 bed, class C4 HMO which is confirmed by Council records. The proposal is a relatively standard single storey rear extension that is to provide an enlarged open plan kitchen/living/dining area. The applicant has confirmed that it is not their intention to provide a further bedroom in the extension and this is a matter it is also proposed to enforce by condition.
- 7.3 The projection to the rear is within permitted development limits but it is the 5.5 sq m section to the side of the property that triggers the need for permission. It is not felt that the difference between the proposal and the 'fall back' permitted development position is sufficient to warrant refusal of the application. This does not have an unacceptable impact on neighbouring residents either side, from whom there has been no objection. In response to the objections received, it does not facilitate intensification in the use of the property. Furthermore, this is a relatively standard size and type of extension to a dwellinghouse of this size and design, whether it be in class C3 or C4 use, and as such the proposal would not prejudice the ability of the property to return to class C3 in the future.
- 7.4 To ensure that the extension does not facilitate an increase in the number of bedrooms and therefore occupants elsewhere in the house, in conflict with the relevant policies of the development plan, a condition is proposed to this effect.

Issue (ii) Design and Impact on the Streetscene (Policy 10 of the Aligned Core Strategy)

- 7.5 Only the side extension element of the proposal is visible from the street but this is 1.5m wide, of an appropriate design and materials and set a considerable distance back from the front of the property. Its impact in public views is therefore considered to be acceptable.

Issue (iii) Impact on residential amenity (Policy 10 of the Aligned Core Strategy)

- 7.6 Having regard to the design, scale, location and outlook from the proposed extension, and the relationship with the site boundaries, it is considered that the proposal has an acceptable impact on neighbouring properties in terms of privacy, daylight, sunlight and outlook.

Other

- 7.7 A consultation response stated that the applicant's plans did not show changes to the roof and loft. The proposed development does not involve a change to the roof which has an existing dormer.

8. SUSTAINABILITY / BIODIVERSITY

None.

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: 16/02725/PFUL3- link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=06Y62ILYKYK00>

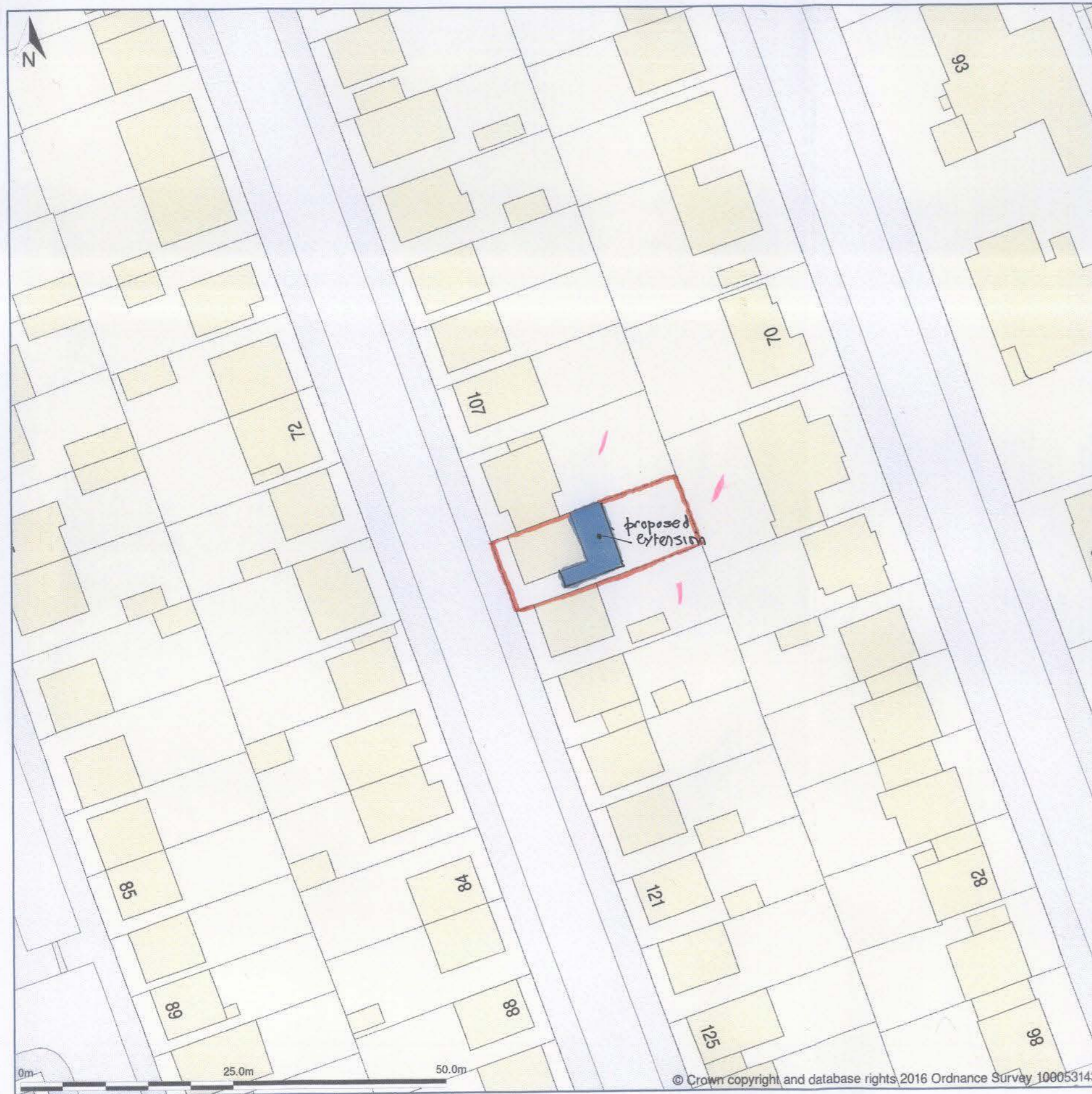
2. Email from Cllr dated 20.12.2016

3. Email from Ms Virginia Rochester dated 9.12.2016

4. Email from Dr Finnis dated 22.12.2016

5. Email from Mr Carl Towner dated 23.12.2016

Contact Officer: Mrs Eunice Kirk, Case Officer, Development Management.
Email: Eunice.kirk@nottinghamcity.gov.uk. Telephone: 0115 8764057



PROPOSED ALTERATIONS & EXTENSION
111 HARRINGTON DRIVE,
LENTON, NOTTINGHAM NG7 1JL

SITE BLOCK PLAN 1:500



hcd architecture

The Coach House, 12 College Road, Bromsgrove
tel & fax 01527 880196

My Ref: 16/02725/PFUL3

Your Ref:

Contact: Mrs Eunice Kirk

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

HCD Architecture
The Coach House
12 College Road
Bromsgrove
Worcestershire
B60 2NE

Date of decision:

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

Application No: 16/02725/PFUL3
Application by: Mr S. Raza
Location: 111 Harrington Drive, Nottingham, NG7 1JL
Proposal: Single storey side and rear extension.

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)
1. The extension shall be laid out internally as per drawing No. 02 (b) and, as a result of this extension, there shall be no increase in the number of bedrooms or occupants within the entire dwelling, above the current level of 5. <i>Reason: In the interests of preventing an intensification in the occupation of this HMO dwelling and the adverse amenity and community imbalance impacts that this would have, in accordance with Policies H6 and ST1 of the Local Plan, Policy 8 of the ACS and the Building Balanced Communities SPD.</i>



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Not for issue

Continued...

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:
Planning Layout reference 02 revision B, received 11 January 2017

Reason: To determine the scope of this permission.

Informatives

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.



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RIGHTS OF APPEAL

Application No: 16/02725/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.



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