

## **REPORT OF CHIEF PLANNER**

### **Darby House, 10 The Grove**

#### **1 SUMMARY**

Application No: 18/00004/PFUL3 for planning permission

Application by: Mr Richard Croasdale

Proposal: New dwelling.

The application is brought to Committee because it raises sensitive and finely balanced heritage issues.

To meet the Council's Performance Targets this application should have been determined by 27th March 2018.

#### **2 RECOMMENDATIONS**

**GRANT PLANNING PERMISSION** 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 Chief Planner.

#### **3 BACKGROUND**

The site is located in the lengthy front garden of a three-storey dwellinghouse (Darby House) fronting Southey Street in the Forest Grove Conservation Area. Like other properties along the northern side of Southey Street, Darby House is situated to the very rear of its plot, with only a small yard area behind. Alongside the property to the northwest is The Grove, a private road that gives access to the rear of these buildings. Beyond that to the northwest is a school; to the northeast is a nursing home and to the southeast a further dwelling. The garden is fully enclosed, with brick walls to The Grove and Southey Street frontages.

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

Planning permission is sought for the erection of a new dwelling. The new dwelling is proposed to be built along the northwestern garden wall of Darby House where it backs onto The Grove. The new house would be positioned approximately half way between the host property and the Southey Street frontage. The new building would be two storeys in height, with the upper floor accommodation mainly in the roofspace. An asymmetrical pitched roof would drop to ground floor eaves level on the garden elevation, which would be mainly glazed. Facing The Grove, the rear elevation would replace the existing boundary wall. Materials are proposed as brick and slate to match the main building. Accommodation would comprise a

conservatory/porch, a kitchen/lounge and a further reception room on the ground floor and two bedrooms on the first floor.

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

### **Adjoining occupiers consulted:**

Ten neighbouring properties have been notified of the proposal: The Bungalow 11A and 11A The Grove; 6, 8, 41 and 43 Southey Street; 30, flat at 30, 32 Bentinck Road; 1 Lake Street. The application has also been publicised through the display of a site and press notice.

Two representations have been received. Nottingham Civic Society objects to the provision of a new building in the front garden of the original Victorian house, as this is not a traditional relationship between a principal dwelling and a coach house in this conservation area.

A neighbouring resident objects on the following grounds:

- throughout the Conservation Area Management Plan there is resistance against developments that adversely change the character and original appearance of the conservation area
- position of proposal does not preserve the building line
- preserving the gardens within the plots is outlined in the Conservation Area Management Plan and proposal would adversely affect the garden space
- proposal will diminish the biodiversity value of the plot
- impact on views of conservation area from neighbouring property
- proposed building is excessively high and will be obtrusive rather than fitting into the garden. Single storey structure would be much less so
- object to proposal to plant new trees as may restrict view and light
- demolition of wall on The Grove will reduce contribution to character and appearance of conservation area
- potential parking problems
- concern about scenario of main Darby House becoming flats as noted in application

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

**Pollution Control:** No objection.

**Highways:** No objection.

**Tree Officer:** No objection.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework (March 2012)**

The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan unless material planning considerations indicate otherwise, the NPPF is a material consideration in the assessment of this application.

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. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and development that is visually attractive as a result of good architecture and appropriate landscaping.

Paragraphs 126 to 141 of the NPPF set out the government's approach to conserving and enhancing the historic environment. Of particular relevance to this application, paragraph 131 requires authorities to take into account:

- the desirability of sustaining and enhancing the significance of heritage assets (including conservation areas and listed buildings) 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.

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

Policy BE12 – Conservation Areas

Policy NE5 – Trees

### **Aligned Core Strategies (September 2014):**

Policy A - Presumption in Favour of Sustainable Development

Policy 1 – Climate Change

Policy 10 - Design and Enhancing Local Identity

Policy 11 – Historic Environment

Policy 17 – Biodiversity

## Forest Grove Conservation Area Character Appraisal and Management Plan (2008)

### 7. APPRAISAL OF PROPOSED DEVELOPMENT

#### Main Issues

- (i) Whether the development will preserve or enhance the character or appearance of the Forest Grove Conservation Area.
- (ii) Impact on residential amenity.
- (iii) Other matters.

**Issue (i) Character or appearance of the Conservation Area** (Policies 10 and 11 of the ACS, Policy BE12 of the LP and Forest Grove Conservation Area Character Appraisal and Management Plan (2008) ("The Plan")

- 7.1 The Forest Grove Conservation Area Draft Character Appraisal and Management Plan was presented to Development Control Committee (now Planning Committee) in February 2008, reporting the result of consultations and recommending approval of the Plan. As a result of the consultation process, the Management Plan was amended to state that "*the Council will resist any new housing development where it would result in more than one dwelling being built within one of the original garden areas as shown on the 1862 map*". The plan had previously been worded "*the Council will resist new housing development within these garden areas*". The primary objection to the application quotes the draft Management Plan rather than the approved version (and it is accepted that the draft version has been displayed on the council's website). Notwithstanding this discrepancy, it is accepted that the proposal raises sensitive and finely balanced heritage issues.
- 7.2. The Plan states that "*the designation of a conservation area is not intended to prevent any new development from taking place within the area. However, it is the purpose of the Forest Grove Conservation Area Character Appraisal together with the Management Plan to inform and manage planning decisions so that new development can take place within the conservation area without harming its special character and appearance*" and that "*any new development [should make] a positive contribution to the Area*". The Plan also seeks to "*ensure that proposals for any new development are in keeping with the character of the Area; new development will not normally be permitted unless it is sympathetic to the established character of the Area, taking into account the physical scale and form of existing development in the locality; and the impact in the wider street scene and on any existing trees*". Policies BE12 and 11 seek to ensure that new development preserves or enhances the character or appearance of conservation areas.
- 7.3 When viewed from The Grove the building would have the appearance of an ancillary coach house, while the predominantly glazed garden side appears more reminiscent of a traditional summerhouse or orangery. The observations of the Civic Society about the relationship of the new building to the main dwelling are noted, but in this case, it is considered that the development successfully combines architectural styles to create a building that would appear appropriate in the context of both the garden to Darby House and The Grove. Coach houses and other ancillary buildings are often integrated into boundary walls, and the front garden context of the dwelling is not readily apparent when viewed from The Grove.
- 7.4 Apart from a single lime tree, the existing mature trees within the garden area would be retained and the dwelling would be set back from the Southey Road frontage

amongst the landscaping of the garden. The application does not propose any division of the garden to create separate amenity areas and this is an important factor in maintaining the ancillary appearance of the new building. A planning condition can restrict future division of the garden. The Plan allows for an additional dwelling in a garden where the special character and appearance of the conservation area is not harmed. In this case, whilst the new building is of course a new dwelling, its design and appearance is more that of a garden building. It is considered that the building is visually attractive and represents good architecture, and sits sensitively within appropriate landscaping. For these reasons, it is considered that the proposed new dwelling is sympathetic to the established character of the conservation area and accords with guidance contained in the Forest Grove Conservation Area Character Appraisal and Management Plan.

- 7.5 By being of an appropriate appearance and by using materials which match the red brick and slate of Darby House – the quality of which can be ensured by condition – the proposed building would make a positive contribution to the conservation area. On balance, then, the proposal is considered to comply with Policies 10, 11 and BE12 and the Forest Grove Conservation Area Character Appraisal and Management Plan.

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

- 7.6 Having regard to the design, scale, location of 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 and not be detrimental to residential amenity. However, possible loss of views from private properties are not material planning considerations. The planting of new trees in a garden is the right of landowners and not part of the planning process.

**Issue (iii) Other Matters (Policy 10 of the ACS and Policy NE5 of the LP)**

- 7.7 It is noted that there is parking available on the private road The Grove and it is very unlikely that parking from the development would be displaced onto the public highway. The proposed work to trees is considered acceptable by the Tree Officer. The possibility stated in the application that Darby House could be converted into flats does not form part of the current application and, whilst each application is considered on its own merits, Council policy is to resist the loss of family housing.

**8. SUSTAINABILITY / BIODIVERSITY (Policies 1 and 17 of the ACS)**

Given the scale of the development and the proposed enhancement of the garden, it is not considered that the proposal would be harmful to biodiversity, and the applicant's encouragement for wildlife within the garden is noted. Whilst no specific features have been highlighted in the planning application, the building would need to incorporate appropriate energy/water conservation measures in order to comply with current Building Regulations. 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: 18/00004/PFUL3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P1YWTMLYLUW00>
2. Objection from Civic Society dated 22.02.2018
3. Objection from resident dated 19.02.2018
4. Highway comments dated 02.03.2018
5. Tree Officer comments dated 03.04.2018

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

Nottingham Local Plan (November 2005)  
Aligned Core Strategy (September 2014)  
Forest Grove Conservation Area Character Appraisal and Management Plan (2008)

**Contact Officer:**

Mr Phil Shaw, Case Officer, Development Management.  
Email: philip.shaw@nottinghamcity.gov.uk. Telephone: 0115 8764076

## 10 The Grove, Southey Street, Nottingham, NG7 4BS



Map area bounded by: 455928,340836 456070,340978. Produced on 14 December 2017 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2017. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p2b/210006/286959

**My Ref:** 18/00004/PFUL3 (PP-06517974)  
**Your Ref:**  
**Contact:** Mr Phil Shaw  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

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

**Tel:** 0115 8764447  
www.nottinghamcity.gov.uk

Mr Richard Croasdale  
10 The Grove  
NOTTINGHAM  
NG7 4BS

Date of decision:

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

Application No: 18/00004/PFUL3 (PP-06517974)  
Application by: Mr Richard Croasdale  
Location: Darby House, 10 The Grove, Nottingham  
Proposal: New dwelling.

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

**Time limit**

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

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

**Pre-commencement conditions**

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

2. The development shall not be commenced until details of the following have been submitted to and approved in writing by the Local Planning Authority:
  - a) bricks and roof covering (in the form of samples);
  - b) joinery materials and appearance (including large-scale drawings);
  - c) eaves, fascias and soffits materials and appearance (including large-scale drawings);
  - d) glazing, windows and frames (including large-scale drawings).The development shall be carried out in accordance with the approved details.

*Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy BE12 of the Local Plan and Policies 10 and 11 of the Aligned Core Strategies.*

**Pre-occupation conditions**

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

There are no conditions in this section.



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

**DRAFT ONLY**  
**Not for issue**

Continued...



### **Regulatory/ongoing conditions**

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of Darby House, 10 The Grove as identified by the red line in the submitted planning application.

*Reason: In the interests of the character and appearance of the Forest Grove Conservation Area in accordance with Policy BE12 of the Local Plan and Policy 11 of the Aligned Core Strategies.*

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the dwelling shall not be enlarged nor shall a garage/car port or porch be erected without the prior express permission of the Local Planning Authority.

*Reason: To ensure that the appearance of the development remains acceptable and in the interests of the character and appearance of the Forest Grove Conservation Area in accordance with Policy BE12 of the Local Plan and Policies 10 and 11 of the Aligned Core Strategies.*

### **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 30 January 2018.

*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: 18/00004/PFUL3 (PP-06517974)

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

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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



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

# **DRAFT ONLY**

## **Not for issue**