

REPORT OF CHIEF PLANNER

8 Charnock Avenue

1 SUMMARY

Application No: 17/00358/PFUL3 for planning permission

Application by: Mr Alexander Williams

Proposal: Dormer to side.

The application is brought to Committee due to representations by a Ward Councillor that are contrary to the officer recommendation

To meet the Council's Performance Targets this application should have been determined by 11 April 2017.

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 property is a terraced two storey dwelling located within a Primarily Residential Area. The property has three bedrooms and is within the Middleton Boulevard Conservation Area. The dwelling has a two storey property attached to the western side and a bungalow attached to the eastern side.

4 DETAILS OF THE PROPOSAL

Planning permission is sought for the erection of a dormer to the side and a porch to the front. The dormer would facilitate the stairway into the roof space, which is proposed to be used as a bedroom. The number of bedrooms in the property remains the same; although one is being created in the roof space, this is at the expense of the stair to this room removing an existing small bedroom. It is noted that the porch can be built under Permitted Development.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

4 addresses were consulted on 21.02.2017 (6,10,19,24 Charnock Avenue).

Representations have been received objecting to the proposal from six neighbouring residents. The following issues have been raised:

- The loft conversion would affect the neighbouring residents by way of noise disturbance
- The dormer would create an uneven appearance and look out of place in the conservation area and disturb the skyline
- The dormer would be overbearing and would not be in-keeping with the form and street pattern of the Conservation Area and would not reflect the distinctive character of the dwelling
- The dormer would result in a loss of privacy given its location directly above the neighbouring property
- The dormer would create a terracing effect between properties where there is currently open space
- The dormer would create overshadowing to a roof light on the neighbouring property
- Concern that the dwelling is going to become a HMO
- The dormer would impact on outlook from a neighbouring resident's office
- Concern over the structural works and how they would impact on the attached bungalow
- Dormer window extensions to the side of a property within a Conservation Area are very rarely given permission on detached dwellings let alone terraced properties such as this. Furthermore it would appear that there are no other side dormer windows on any similar properties within this Conservation Area
- The majority of dormer window extensions within the vicinity are located at the rear of properties which makes them less visible and the impact from the street is limited. The dormer will appear prominent from both the front and rear of the property and in relation to the original dwelling. It will no doubt spoil the appearance of the house and disrupt the natural pattern of properties along this row that make up the street scene
- The proposed dormer window will not align or be in proportion with the existing windows of the main house
- The roof scape of a residential street in this conservation area is very important. The roofs unify the various property styles and such works will materially change the proportions of the application dwelling, the architectural detail and the roof lines including the natural spaces between the properties.

One comment has been received in support of the proposal from the owner of the two storey attached property, and another raising questions rather than expressing opinion.

A Ward Councillor has objected to the proposal for the following reasons:

- Being in the conservation area, permission should not be granted for a dormer window on the side of the property. Regardless of whether it is a house or a bungalow, it still affects the roof line.
- The dormer could set a precedent for other dormers to be applied for.
- The side facing window would replace an existing window, but if the dormer goes ahead it must have obscure glass.
- Concern regarding the possible desire to change the use of the dwelling to C4 in the future.

Conservation Officer: The proposed dormer is modest in scale and appropriate in design. The scheme preserves the special character of the surrounding Conservation Area. The application would therefore comply with policy BE12 of the Nottingham Local Plan and section 12 of the NPPF.

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. Section 12 of the NPPF relates to the conservation and enhancement of the historic environment. 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

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Nottingham Local Plan

BE12 - Development in Conservation Areas.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of the development
- (ii) Impact upon residential amenity
- (iii) Design, appearance and impact on the character and appearance of the Conservation Area

Issue (i) Principle of the development

- 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. The

dwelling is within Use Class C3 (family dwelling). It has specified in the supporting statement that there is no intention to change the use of the property to a C4 dwelling, for which further planning permission would be required. The owner is to occupy the dwelling himself, and to rent out one room. The proposal is therefore to be considered on the basis of the dwelling being within Use Class C3, and it is noted that the number of bedrooms would not increase as a result of the proposal.

Issue (ii) Impact upon residential amenity (Policy 10 of the ACS)

- 7.2 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 would have an acceptable impact on the neighbouring properties in terms of privacy, daylight, sunlight and outlook. A condition is recommended to secure fixed, obscure glazing to the dormer window in order to protect the privacy of the neighbouring residents. Concern has been expressed about the dormer overshadowing the roof light of the neighbouring property. Given the size and location of the dormer, it is not considered that it would result in a significant loss of light to this window. It is noted that there is no right to a view over someone else's property, and given the location and size of the proposed dormer, it would not significantly impact on the outlook from neighbouring properties over the road or to the side. The proposal therefore complies with Policy 10 of the Aligned Core Strategy.

Issue (iii) Design and Impact on the Conservation Area (Policies 10 and 11 of the ACS and Policy BE12 of the Local Plan)

- 7.3 The proposed dormer is considered to be of an appropriate scale and design. Comments have been received from neighbouring residents and the Ward Councillor objecting to the introduction of a dormer in this location due to the visual impact on the character of the Conservations Area and the roof scape. The Conservation Officer has no objection to the proposal and considers the design to be of appropriate and modest design. The dormer sits well within the side roof slope and would not appear prominently within the Conservation Area which along this street is defined by a number of different property types, both single and two storey. Given the size and location of the dormer, it would not result in a terracing effect to the neighbouring property. A condition is recommended to secure the use of matching materials. The proposal therefore complies with Policies 10 and 11 of the Aligned Core Strategy and Policy BE12 of the Local Plan.

Other Matters

- 7.4 Any structural impact on neighbouring resident's property as a result of the construction of the dormer would be a civil matter and is not a material planning consideration. Building Regulations would also be required. Any noise created during the construction works could not be controlled through planning legislation but would be subject to statutory noise nuisance legislation, enforced by the Councils Environmental Health and Safer Places team.

8. SUSTAINABILITY / BIODIVERSITY (Policy 1 of the ACS)

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

Planning and Housing

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: 17/00358/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>
2. One objection by Ward Councillor.
3. 6 neighbour representations received Feb-April 2017
4. 1 comment in support received 20.4.17
5. Two survey responses with no comment/objection received 28.3.17.

17 Published documents referred to in compiling this report

Nottingham Local Plan
Aligned Core Strategies (2014)
National Planning Policy Framework (2012)

Contact Officer:

Kathryn White, Case Officer, Development Management.
Email: kathryn.white@nottinghamcity.gov.uk. Telephone: 0115 8762529

NOMAD printed map



© Crown copyright and database right 2017. Ordnance Survey Licence number 100019317. NOMAD print generated by a NOMAD user on 09/05/2017. THIS MAP IS UNSUITABLE FOR PUBLICATION: contact gi@nottinghamcity.gov.uk (ext. 64341) for high quality maps.

Key
City Boundary

Description
No description provided

My Ref: 17/00358/PFUL3

Your Ref:

Contact: Ms Kathryn White

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 Alastair Birnis
37 Bentley Avenue
Bakersfield
Nottingham
NG3 7AX

Date of decision:

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

Application No: 17/00358/PFUL3
Application by: Mr Alexander Williams
Location: 8 Charnock Avenue, Nottingham, NG8 1AE
Proposal: Dormer to side.

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)

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)



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

DRAFT ¹ ONLY
Not for issue

Continued...

2. Unless the Local Planning Authority has otherwise agreed in writing to the use of alternative materials, the cheeks and roof of the extension hereby permitted shall be finished in tiles of a colour, size, texture and pattern/bond to match those used in the roof of the existing building.

Reason To ensure that the appearance of the development will be satisfactory in accordance with Policy BE12 of the Local Plan and Policies 10 and 11 of the Aligned Core Strategy.

3. The dormer window shall be non other than obscure glazed and fixed shut below a height of 1.7m.

Reason To ensure that the privacy of neighbouring residents is maintained 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 14 February 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.



RIGHTS OF APPEAL

Application No: 17/00358/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.



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

DRAFT ONLY

Not for issue