

## APPENDIX 2

## Report of the Chief Executive

<b>APPLICATION NUMBER:</b>	<b>20/00667/FUL</b>
<b>LOCATION:</b>	<b>28 Park Road Chilwell NG9 4DA</b>
<b>PROPOSAL:</b>	<b>Construct pair of semi-detached dwellings following demolition of existing bungalow</b>

The application is brought to the Committee at the request of Councillor G Marshall.

1 Executive Summary

- 1.1 The application seeks planning permission to build a pair of semi-detached dwellings following the demolition of an existing bungalow.
- 1.2 The site currently consists of a bungalow which has been extended to the side, to provide a self-contained annexe which is being occupied as a separate dwelling. The site is located within the Chilwell Cottage Grove Conservation Area.
- 1.3 The main issues relate to whether the scale and design of the dwellings are appropriate, if there would be harm to the character and appearance of the conservation area, whether there would be an unacceptable impact on neighbour amenity and whether there would be an unacceptable impact on highway safety.
- 1.4 The benefits of the proposal are that it would provide homes suitable for occupation by a range of tenancies, and would be in accordance with the policies contained within the development plan. This is given significant weight. There would be the potential for an impact on the designated heritage asset and on parking in the local area, but these matters are outweighed by the benefits of the scheme.
- 1.5 The Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix.

## Appendix 1

1 Details of the Application

- 1.1 The proposal seeks to construct two x three storey (rooms in the roof space) semi-detached dwellings with a single storey rear element, and associated garden area. Off street parking for a minimum of two vehicles per property would be provided to the front. The buildings would be built of traditional materials (brick and slate) with decorative ridge tiles and be of a Victorian style of design with feature front gables, shaped barge boards and double height bay windows. Each property would have four bedrooms. Amendments to the original proposal include a reduction in the ridge height of both dwellings, reduction in the width so as to allow for increased gap between the proposed dwellings and the common boundaries to either side, and re-instatement of front boundary treatment.

2 Site and surroundings

- 2.1 The application site consists of a gable bungalow, which is adjacent to the north west boundary, and a single storey addition which has a part flat and part gable roof, to the south east side elevation, built up to the south east boundary, which is being occupied as a separate unit of accommodation. There are therefore two dwelling units on the site. The frontage is surfaced in gravel and mainly given over to parking, and the rear garden has been subdivided so as to provide each unit with a separate garden. There is a hedge to the front boundary, with mature trees behind this. There is a close boarded fence to the side and rear boundaries, with vegetation to the rear boundary in front of the fence. The site is generally level.
- 2.2 To the south east of the site is 26 Park Road, a single storey dwelling which sits slightly forward of 28 Park Road. This property is to the full width of its site, built right up to each side boundary, and has a single storey extension to the rear, positioned to the centre of the building. There are no windows in the north west elevation facing the site, where the dwelling sits on the common boundary.
- 2.3 To the north west of the site is 34 Park Road. This is a two storey detached dwelling which sits in line with the front elevation with no. 28. It has two storey and single storey extensions to the rear. There are no windows in the side elevation facing the site.
- 2.4 2 and 3 Rookwood Close are to the rear of the site, to the north east. These properties are two storey detached properties, albeit with the first floor accommodated in the roof space, having dormer windows to the front and rear ('chalet' style). No. 2 is the property to the right when viewed from Park Road and is offset slightly such that the rear elevation faces both 26 and 28. This property has a single storey flat roof extension to the rear, and a detached outbuilding to the south east of its garden. A two storey side extension has been built to the south east elevation. No. 3 is to the north west of no. 2 and is at an angle to the application site, such that the rear elevation faces toward the rear of 34 Park Road. This property has not been extended but does have a detached outbuilding to the south east corner of the rear garden, adjacent to the common boundary with the application site.

- 2.5 To the south west and on the opposite side of Park Road is 31 Park Road, a two storey detached dwelling which has its main elevation facing south east (onto the garden) as is common with the original cottage style of properties in this area. There is a drive to the south east of this property which gives access to 29 Park Road, to the south west of no. 31. This is a large detached bungalow.
- 2.6 To the south east of the access to no. 29 is 25 Park Road, a single storey detached dwelling of more recent construction. This property has roof lights in the roof plane facing Park Road.
- 2.7 The application site falls within the Cottage Grove Chilwell Conservation Area. The area covers Park Road and Grove Avenue and was originally developed in a cottage garden style in order to provide housing with gardens suitable for growing food for occupation by textile workers, in the mid 1800's. This Conservation Area is comprised of housing of various dates, from Victorian detached and semi-detached villas to modern detached properties. Park Road itself has a broad mix of house styles and sizes, with this section of the road, to the south east, being of higher density development than the more spacious plots further along the road, towards the north west. There are examples of detached and semi-detached housing, with the majority being two storeys in height and some recent housing developments (single/two dwellings).

### 3 Relevant Planning History

- 3.1 Planning permission was granted in 1980 for alterations to convert the garage into a 'granny flat', construction of a new garage, and alterations to the boundary walls. Reference 80/00175/FUL. It is understood that the property was separated into two dwellings circa 2009. An enforcement investigation was undertaken at that time which concluded that as planning permission had been granted for an independent flat, no breach of planning permission was evident.

### 4 Relevant Policies and Guidance

#### 4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

- 4.1.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy A: Presumption in Favour of Sustainable Development
- Policy 2: The Spatial Strategy
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 11: Historic Environment

#### 4.2 **Part 2 Local Plan 2019:**

- 4.2.1 The Council adopted the Part 2 Local Plan (P2LP) on 16 October 2019.

- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, design and amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions

- Policy 23: Proposals affecting designated and non-designated heritage assets

**4.3 National Planning Policy Framework (NPPF) 2019:**

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 5 – Delivering a sufficient supply of homes.
- Section 12 – Achieving well-designed places.
- Section 16 – Conserving and enhancing the historic environment.

**5 Consultations**

**5.1 Council’s Conservation Adviser:** Initial comments: no objection to the demolition of the existing bungalow, as it does not meet the general character of the area. No objection to the chosen style, although have reservations in regard to creating a false history. Quality of the materials will be important, in order that the implementation meets the expectation. No objection to the proposed building line being brought forward from the existing. The proposed openness and loss of separation and vegetation to the front boundary is a concern, as the character of much of the road is green boundaries. Comments on amended plans: Note the inclusion of re-instated boundary planting, which is welcomed.

**5.2 Council’s Waste and Recycling Officer:** Each dwelling to have 2 x 240 litre bins and 1 x 37 litre bag for glass. Bins / bags to be presented at the edge of the adopted highway prior to collection.

**5.3 County Council as Highway Authority:** On amended plans: No objections subject to conditions in respect of parking / drives to be provided prior to occupation; and to be constructed so as to prevent the unregulated discharge of surface water onto the public highway.

**5.4** 14 properties either adjoining or opposite the site were consulted, a site notice was displayed and a press notice published. 11 responses were received to the original plans, one of which was an observation and 10 of which objected on the following summarised grounds:

Design and Impact on the conservation area:

- Rear windows should be redesigned to incorporate roof type windows
- Ridge too high when compared to neighbouring property
- Proximity to side boundaries, too close and out of keeping with the character of the area
- Loss of privet hedge to front resulting in negative impact on appearance of the street and conservation area
- Design and scale is overbearing
- Over development of the site/intensity of development
- Loss of open aspect/garden like appearance of this section of Park Road
- Inappropriate choice of roof material
- The design is pastiche and there are no other similar designed properties on this road
- Allowing open frontage would set a precedent

- One dwelling only should be allowed on this site

Amenity:

- Loss of light
- Loss of privacy
- Sense of enclosure
- Impact from noise during construction and demolition

Highway safety and parking:

- Additional vehicles parked on the road would be a hazard to emergency services vehicles
- Loss of on-street parking
- Hard surfacing of the frontage would lead to surface water discharge on to other properties or onto the public highway

Other matters:

- Consider that the bungalow is still habitable and with a little time spent on the external appearance, would make a big difference
- Supporting document incorrectly refers to a property on Grove Avenue, and there is a lack of detailed measurements on the plan
- Would like to see more details in regard to landscaping
- Neighbouring occupiers have the right to peaceful enjoyment of all their possessions including their home and other land, under the Human Rights Act
- Allowing the replacement of bungalows with larger houses depletes the stock of housing suitable for elderly and disabled people at a time when there is increased demand for such properties. The ACS suggests that consideration should be given to the needs of the elderly when housing issues are considered. Nearby larger developments in the area offer very few properties suitable for elderly and disabled residents but provide plenty of larger homes

One letter of observation summarised as follows:

- Loss of light may occur. However, as the dwellings would be set further back than the existing bungalow, this may allow for early afternoon and evening sun to get through
- Properties should have a lower height and a smaller footprint
- There is a large Leylandii hedge to the rear boundary, which if this were to be removed or the height reduced, may help with loss of light. If removed a suitable planting scheme should be put in place which avoids high hedges and trees.

5.5 A further eight responses (six of objection and two with observations) were received following the receipt of amended plans summarised as follows:

- Remain of the opinion that whilst the roof height has been lowered and distance between boundaries has been increased, still object on the grounds of the density of development in a conservation area, use of hard surfacing in respect of drainage, depletion of housing stock for elderly and disabled residents, style (design) of the dwellings and out of proportion to its surroundings
- Changes to front boundary (hedges) may make parking situation worse, as now fewer cars will be able to be parked off street
- One dwelling with a garage to the side may be more appropriate

- The front boundary, now shown to be planted, should ideally be a sandstone wall, or a substantial hedge, to reflect the character of the conservation area. Concerned that the landscaping to the front may not get established and would therefore disappear
- Previous objections in regard to neighbour amenity remain (loss of privacy, loss of light)
- Does not preserve or enhance the character of the conservation area
- Proposed brickwork would be dark and imposing, in contrast to the existing light and spacious aspect.

## 6 Assessment

6.1 The main issues for consideration are impact on neighbour amenity; whether the design and scale of the development is appropriate; whether there would be a significant impact on the character and appearance of the Cottage Grove Conservation Area; and whether the proposal would be acceptable in terms of highway safety.

### 6.2 **Principle**

6.2.1 The site is within an established residential area and as such the principle of residential development is considered to be acceptable. The proposal seeks to build two x 4 bedroom properties, which would be suitable for occupation by a wide range of occupants, including families, and the ground floor layout could be readily adapted to accommodate the changing needs of the occupants, having a separate living room which could be used as a bedroom, and a utility room with WC which could be converted to a downstairs bathroom. The proposal would therefore accord with the aims of Policy 8 of the Aligned Core Strategy, and Policy 15 of the Part 2 Local Plan.

### 6.3 **Heritage**

6.3.1 The site is within the Chilwell Cottage Grove Conservation Area. The Character Appraisal notes that whilst there is no greatly dominant architectural style or continuity to the housing in this area, the majority of housing is of late 19<sup>th</sup> century to early 20<sup>th</sup> century in date, with inter-war housing being second most dominant. The overriding feel of the area is one of a quiet garden suburb. The Conservation Adviser notes that the existing bungalow does not meet the general character of the area and as such there are no objections to the demolition of the property. No objections to the proposed building line have been raised by the Conservation Adviser, and the quality of the materials to be used would be important. It is therefore considered that the proposal, as amended, and subject to the prior approval of materials, would preserve the character and appearance of the conservation area, where no particular housing style is dominant.

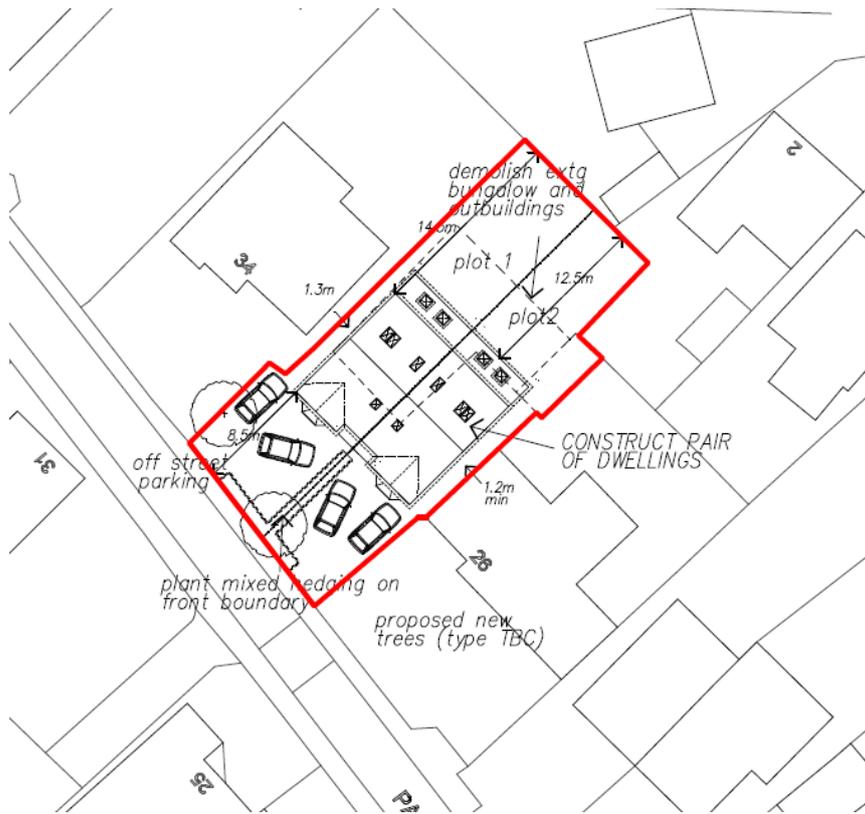
6.3.2 It is considered therefore, that the proposal would result in less than substantial harm to the Chilwell Cottage Grove Conservation Area and that this harm would not outweigh the public benefits of the scheme.

6.3.3 The reinstatement of the front boundary (hedge), originally proposed to be omitted, is considered to preserve the character and appearance of the conservation area.

## 6.4 Design and Layout

- 6.4.1 The proposed design has taken reference from the characteristics of the surrounding dwellings, where pitched roofs with feature gables are common, as are bay windows to the frontage. Red facing brickwork is proposed, again a common material used in the area. Cement fibre roof tiles were originally shown on the proposed plans; however, it is considered that slate would be more appropriate and as such, details of materials will be secured by condition.
- 6.4.2 The scale of the building as originally proposed was considered to have been out of proportion when viewed in context with the adjacent two adjacent properties, being approximately 1.4m higher than no. 34. Amended plans now show the proposed dwellings to be the same height as no. 34 and it is considered that the scale of development is acceptable.
- 6.4.3 The proposed dwellings would be in line with the front elevation of no. 26, albeit forward of no. 34. There is not a consistent building line on this part of Park Road, some dwellings having only 4m between the back of the public highway and the front elevation as at 21 and 23 opposite. In order to allow for a usable rear garden and to minimise impact on neighbour amenity to properties at the rear, it is considered that the siting of the dwellings, set in from the front boundary by a minimum of 8.5m, is acceptable.
- 6.4.4 There are several examples of pairs of semi-detached properties which occupy plots of a similar width to that of the application site, and where the properties are built close to the common boundary. This can be seen at 2 to 8, 9 and 11, 14 and 16, 17 and 19 Park Road, which are all within sight of the application site. As such, the density of the development, and relationship with the boundaries, are considered to be acceptable and in keeping with the character of this part of Park Road.
- 6.4.5 The layout of the development shows a private garden to the rear for each dwelling, and a parking area to the front. This is a typical arrangement for properties along Park Road. The original submission saw the frontage to be open plan so as to allow for frontage parking, however, as concerns were raised in regard to the impact on the conservation area, and in order to preserve the character of the area where front boundaries make a significant contribution to the setting, a boundary of mixed hedging to the frontage and between each property is proposed. Details of the landscaping scheme will be secured by condition. There is ample space within the site to accommodate the appropriate number of bins.

6.5 Amenity



Block plan as proposed

- 6.5.1 There would be a minimum gap of 1.2m between the common boundary of no. 26 and the proposed side elevation of the nearest new dwelling. This dwelling would project 4.7m at ground floor, and 2.7m at first floor past the rear elevation of no. 26. Given the gap between and that the dwellings are to the north west of the neighbour, it is considered the proposed development would not have a significant impact on loss of light or outlook for the occupiers of this property. As the rear windows of the proposed dwellings would not directly overlook the garden of no. 26, it is considered that the proposal would not have an impact on privacy. There are windows proposed at both first floor and second floor level in the side elevation of the proposed dwelling. The first floor window would serve a bathroom and as such a condition will be imposed to ensure that this would be obscurely glazed. The second floor window serves a bedroom and would also have access to natural light from a roof light in the rear elevation. It is considered that a condition to require the lower half of the window to be of obscure glazing, as well as a condition to require full height obscure glazing of the bathroom window, would safeguard privacy for the occupiers of no. 26.
- 6.5.2 34 Park Road is to the north west of the site. There would be a gap between the side elevation of this property and the side elevation of the nearest new dwelling of 2.3m. The rear elevation of the ground floor single storey element would be in line with the rear elevation of the single storey extension at no. 34. Whilst the front elevation of the proposed dwelling would be 4m forward of the front elevation of no. 34, it is considered that there would not be a significant impact on the amenities of the occupiers of this property in terms of loss of light or outlook. There are no windows in the side elevation of no. 34 facing the site, and as the windows in the side elevation of the proposed dwelling would be level with the side elevation of no.

34, that is, directly facing a blank elevation, it is considered that there would be no requirement for these windows to be obscurely glazed. The rear windows at first floor of the proposed dwellings would have angled views over the adjacent garden. As such, it is considered that the proposed dwellings would not have a significant impact on neighbour amenity in terms of loss of privacy.

6.5.3 2 and 3 Rockwood Close are two detached properties to the rear (north east) of the site. These are both 'chalet' style two storey dwellings, which have the first floor rear windows set in from the eaves, in a flat roof dormer. As the proposed dwellings have been set forward toward Park Road, this has enabled a greater distance between the facing rear elevations to be achieved. There would be a minimum of 21m between the rear of 2 Rookwood Close and the closest new dwelling, and a minimum of 19m between the closest corner of 3 Rookwood Close and the rear elevation of the new dwellings. No. 3 is at an angle to the application site, and faces towards the rear of no. 34. As such, it is considered that the proposed development would not have a significant impact in terms of loss of light, outlook or privacy.

6.5.4 25 and 31 Park Road are to the south and west of the site, on the opposite side of Park Road. Both are offset such that 31 is opposite 34 and 25 is opposite 26. As such there would be no direct overlooking of either property from the new dwellings. There would be a minimum distance of 21m between the front elevation of 25 and the front elevation of the closest new dwelling, and a minimum of 16m between the front elevation of the new dwelling and the side facing elevation of no. 31. This relationship is typical of dwellings which face each other across a road, on this part of Park Road and as such it is considered that the proposed development would not have a significant impact on neighbour amenity for these occupiers, in terms of loss of light, outlook or privacy.

## 6.6 Access and Highway Safety

6.6.1 The front area to the dwellings would provide a minimum space for two vehicles via a single access to each property. This would allow for both off-street parking and the retention of one on-street parking space. There are no objections from the County Council as Highway Authority in regard to highway safety, subject to conditions in respect of provision of the parking areas prior to occupation, and construction such as to prevent unregulated discharge of surface water onto the public highway.

## 6.7 Other Matters

6.7.1 Whilst it is acknowledged that the bungalow is still habitable and improvements to the external appearance would make a positive difference, the council have a duty to consider the development as proposed, and could not refuse an otherwise acceptable development solely on the grounds of the habitable condition of the existing bungalow.

6.7.2 Reference to the Human Rights Act is noted, and neighbour amenity is considered to be adequately protected through adopted planning policies. The development is considered to have no significant impact on neighbour amenity.

- 6.7.3 A condition will be imposed in respect of hours of construction, in order to safeguard the amenity of residents in terms of noise and disturbance, and given the particularly quiet surroundings. No objections in terms of impact on the highway have been raised by the Highway Authority.
- 6.7.4 A condition in respect of landscaping, which will include soft landscaping, will help to ensure that any loss of biodiversity is mitigated for, and is of an appropriate species / size so as to ensure future health and retention of the planting. There are no trees within the site that are considered to be particularly worthy of retention.
- 6.7.5 The granting of planning permission for one site does not automatically set a precedent for future development. Planning applications would be considered on their own merit and in the context of the site in which they are set.
- 6.7.6 Whilst a single dwelling, if proposed, may result in a less cramped development and have less impact on neighbour amenity, it is considered that it would be unreasonable to refuse planning permission for a development which otherwise is considered to accord with the aims of the policies in the adopted local plans.

## 7 Planning Balance

- 7.1 The benefits of the proposal are the provision of two dwellings of an acceptable design which would be suitable for occupation by a range of occupants.
- 7.2 The negatives are the impact on the Chilwell Cottage Grove Conservation Area and impact on neighbour amenity.
- 7.3 On balance, the negative impacts have been satisfactorily addressed and mitigated for by appropriate planning conditions and are outweighed by the benefits of the scheme.

## 8 Conclusion

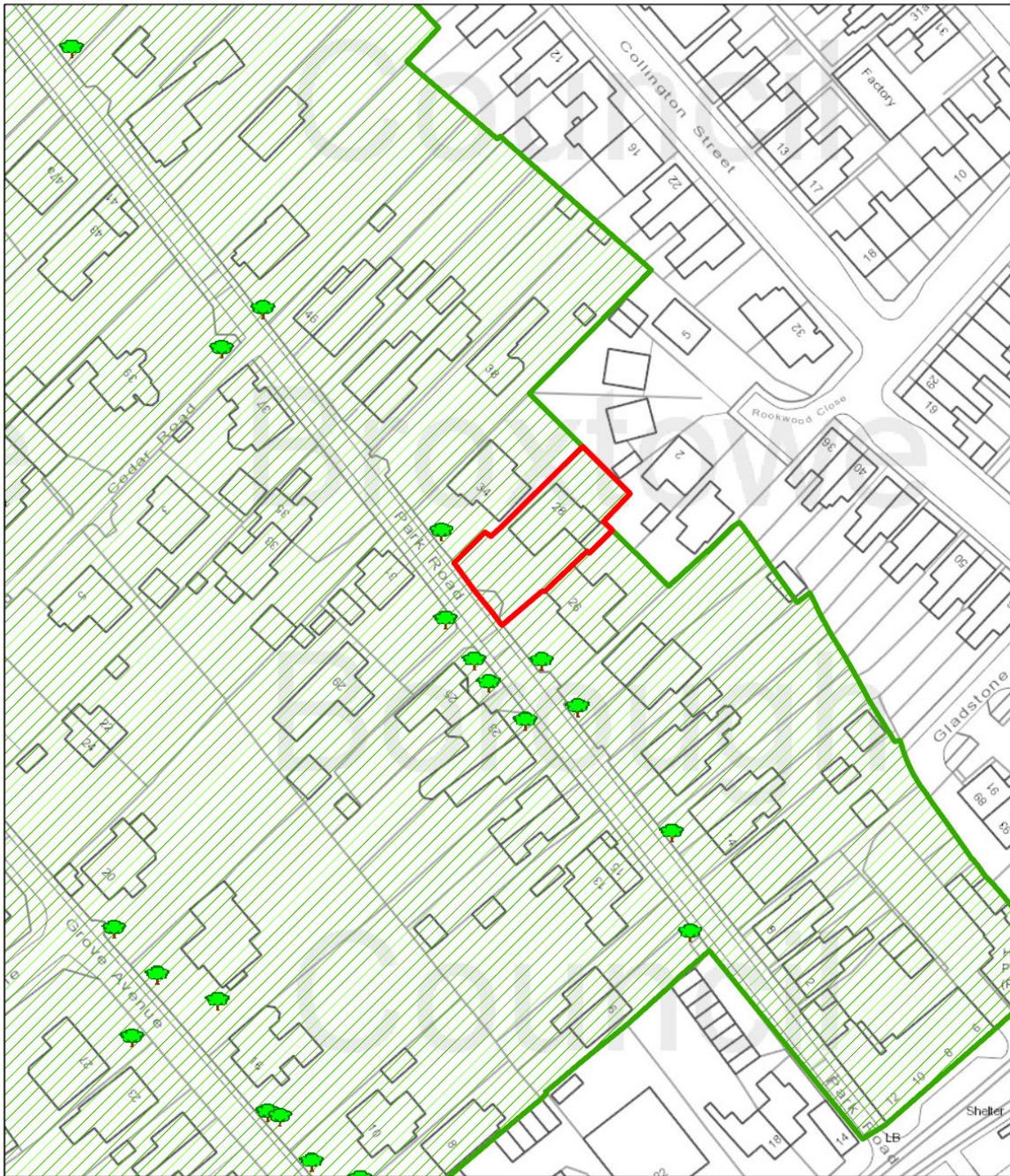
- 8.1 Recommend that planning permission be granted subject to the conditions outlined above. The development complies with Policies A, 2, 8, 10 and 11 of the Broxtowe Aligned Core Strategy (2014) and Policies 15, 17, 19 and 23 of the Broxtowe Part 2 Local Plan (2019).

<b><u>Recommendation</u></b>	
<p>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</p>	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with drawings numbered: 20/976/10 rev B and 20/976/12 rev A received by the Local Planning Authority on 04.01.21, and drawing numbered 20/976/11 rev D received by the Local Planning Authority on 16.02.21</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>No above ground works shall be carried out until details of the manufacturer, type and colour of the bricks, roof tiles and headers and sills to be used in facing elevations have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.</p> <p><i>Reason: Limited details were submitted and to ensure the development presents a satisfactory standard of external appearance within the Chilwell Cottage Grove Conservation Area, in accordance with the aims of Policies 17 and 23 of the Broxtowe Part 2 Local Plan (2019) and Policies 10 and 11 of the Aligned Core Strategy (2014).</i></p>
4.	<p>No above ground works shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>(a) numbers, types, sizes and positions of proposed trees, hedges and shrubs</li> <li>(b) proposed boundary treatments</li> <li>(c) proposed hard surfacing treatment</li> <li>(d) planting, seeding/turfing of other soft landscape areas</li> </ul> <p>The approved scheme shall be carried out strictly in accordance with the agreed details.</p>

	<p><i>Reason: Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and neighbour amenity and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
5.	<p>No dwelling hereby permitted shall be occupied until the parking area related to that dwelling has been surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the highway boundary and constructed with provision to prevent the unregulated discharge of surface water from the frontage to the public highway. The parking areas shall then be maintained as such for the life of the development.</p> <p><i>Reason: In the interests of highway safety in accordance with the aims of Policies 17 and 23 of the Broxtowe Part 2 Local Plan (2019) and Policies 10 and 11 of the Aligned Core Strategy (2014).</i></p>
6.	<p>The first floor south east side elevation bathroom window shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) and the second floor south east side elevation bedroom windows shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) to a height of 1.7m above the floor level of the associated bedroom. These windows shall be retained in this form for the lifetime of the development.</p> <p><i>Reason: In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
7.	<p>Given the proximity of residential properties, noisy works including demolition shall be limited to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays.</p> <p><i>Reason: In the interests of neighbour amenity and in accordance with the aims of Policy 19 of the Broxtowe part 2 Local Plan (2019).</i></p>
	<p><b>NOTES TO APPLICANT</b></p>
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>

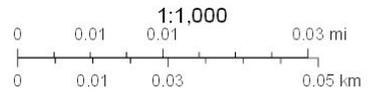
<b>2.</b>	<b>Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.</b>

### 28 Park Road Chilwell



2/16/2021, 1:21:32 PM

-  Single TPO
-  Conservation Area
-  Site



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Photographs



Front elevation of 28 Park Road. The self-contained annexe is to the right.



View of existing access off Park Road



Front elevation of 34 Park Road



Side elevation of 26 Park Road



Rear elevation of 34 Park Road



Rear boundary of the site

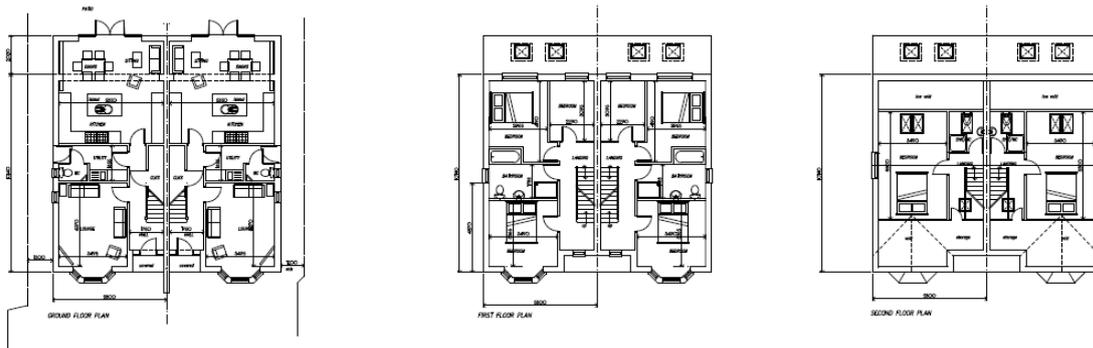


Rear elevation of 2 Rookwood Close

**Plans (not to scale)**



Proposed street scene



Proposed elevations

Proposed floor plans