

Report of the Chief Executive

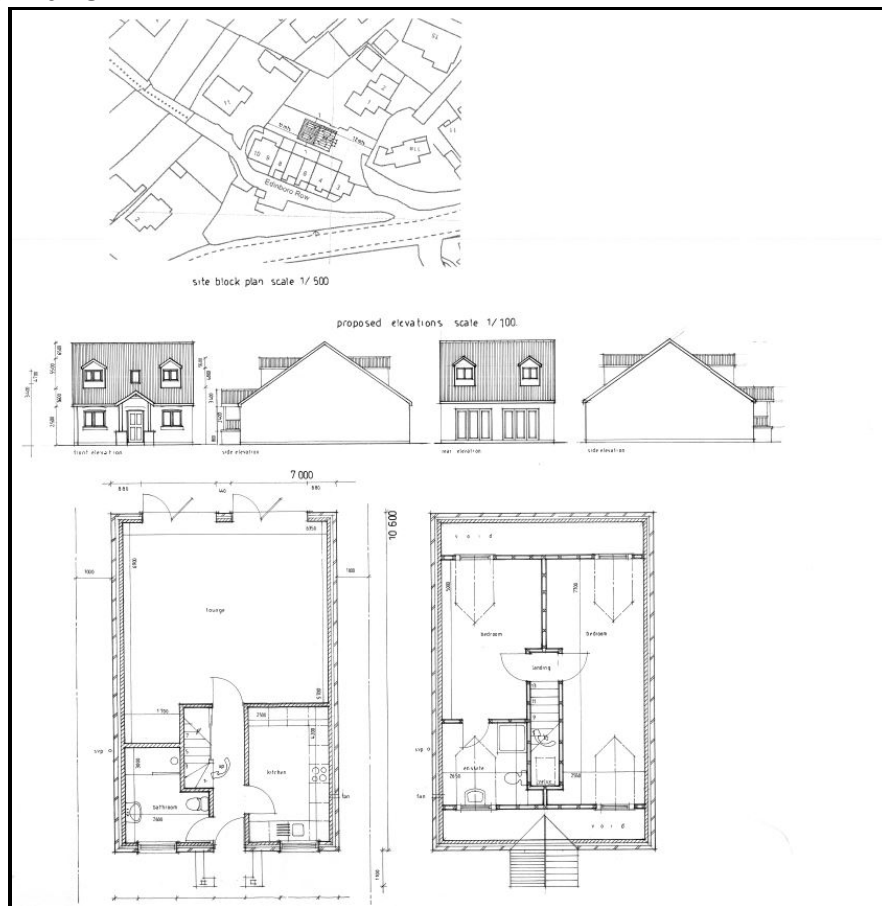
APPLICATION NUMBER:	21/00101/FUL
LOCATION:	Land Adjacent To 3 Edinboro Row, Kimberley, Nottinghamshire, NG16 2JD
PROPOSAL:	Construct dwelling

The application has been called to Committee by Councillor R S Robinson.

1 Executive Summary

- 1.1 This application seeks consent to construct a single storey dwelling on vacant land located directly to the rear of numbers 3 – 9 Edinboro Row.
- 1.2 Planning permission was previously refused in 2020 under reference number 20/00488/FUL for the construction of a dormer bungalow on the land on the grounds of loss of amenity for the immediate neighbouring properties.

Previous Plans



- 1.3 The submitted plans indicate the provision of a single storey dwelling on the site with a smaller footprint, eaves and overall roof height.
- 1.4 The application site is not covered by any site specific planning policy. The main issues for consideration are whether the design and appearance of the proposed dwelling is acceptable and whether or not it will have an unacceptable impact on neighbouring amenity or highway safety.

- 1.5 The benefits of the proposal are the development of vacant brownfield land for a dwelling.
- 1.6 Overall it is considered that the proposal is acceptable and that planning permissions should be granted in accordance with the recommendation in the appendix.

APPENDIX

1 Details of the Application

- 1.1 This application seeks consent to construct a single storey dwelling on vacant land located directly to the rear of numbers 3 – 9 Edinboro Row.

2 Site and surroundings

- 2.1 The application site is located directly to the rear of existing two storey residential dwellings numbers 3 – 9 Edinboro Row and was previously overgrown. The land has recently been cleared of vegetation and conifer trees. There are also a variety of brick built outbuildings which are to be removed, apart from one which is to remain in use as an outbuilding in association with the proposed dwelling.
- 2.2 The site is accessed via a private driveway located to the side of number 3 off Maws Lane. The surrounding area is built up of a mixed variety of residential dwellings.

3 Relevant Planning History

- 3.1 Planning permission was granted in 1986 under reference number 18/00326/FUL for a first floor extension to number 3 Edinboro Row.
- 3.2 Planning permission was refused in 2020 to construct a dormer bungalow on land directly to the rear of numbers 3 – 9 Edinboro Row (reference 20/00488/FUL).

4 Relevant Policies and Guidance4.1 **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

4.2 **Part 2 Local Plan 2019:**

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

- Policy 15 - Housing Size, Mix and Choice
- Policy 17 - Place-making, Design and Amenity

4.3 **National Planning Policy Framework (NPPF) 2021:**

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 12 – Achieving well-designed places.

5 Consultations

5.1 **Nottinghamshire County Council Highways** – No objections.

Eight neighbouring properties were consulted during the processing of the application along with the posting of one site notice, with ten letters having been received objecting on the grounds of:

- Design, appearance and layout;
- Loss of privacy;
- Sense of enclosure;
- Noise, smells, disturbance;
- Traffic/access.

6 Assessment

6.1 The main issues for consideration are the principle of development, the design of the proposed dwelling, impact upon residential amenity and highway safety. These are discussed in turn as follows:

6.2 Principle

6.2.1 Part 5 of the National Planning Policy Framework 2019 (NPPF), paragraph 59 outlines the importance of significantly boosting the supply of housing. The application site is located within a suitable urban location and within close proximity to the town centre of Kimberley. However, it is considered that the principle of a new residential plot would only be acceptable if the proposal can reasonably satisfy the specific criteria of policy 17 of the Part 2 Local Plan 2019.

6.3 Design

6.3.1 The application site is set back from the main road of Maws Lane with limited views into the site. The site is elevated from the main road, with a private road (Edinboro Road) directly to the front of a row of existing two storey terraced properties. To the north east there are a row of mature trees further limiting views of the site from within Maws Lane. The proposed dwelling will be set into the site beyond the rear of number 4 Edinboro Row with a low level roof. The design of the proposed dwelling consists of a single storey bungalow with an overall height of 5m. Directly to the rear there is a private garden area measuring 10m in length, with a private drive proposed directly to the front. Given the design and location of the proposed dwelling, it is not considered the proposal will give rise to any significant detrimental impacts upon the visual amenity of the area or the character of the street scene.

6.4 Amenity

6.4.1 The proposed dwelling will be set in from the rear boundary of numbers 3 – 9 Edinboro Row by 1m. The boundary to the rear of the existing properties along Edinboro Row will consist of a 1.5m high close boarded timber fence. Along the boundary with number 11 to the rear of the site there is a 2m high hedgerow. The land levels within the rear gardens of the existing properties are set approximately 2m lower than the application site, with the gardens measuring approximately 3.5m

in length. To the rear elevations of these properties there are windows serving habitable rooms at both ground floor which are below land levels of the site and first floor level windows are obscurely glazed, albeit number 9 which is set behind the rear of the dwelling overlooking the rear garden which will serve the proposed dwelling.

6.4.2 The rear elevation of the dwelling will be served by two sets of bi-folding doors serving a lounge area. The rear garden will measure 10m in length and there will also be an outbuilding which is currently existing. Whilst there is a property directly to the rear of the site number 11 Edinboro Row, this property is also served by a large garden approximately 10m in length and there is also an existing 2m high hedgerow.

6.4.3. The design of the proposed dwelling consists of side elevation facing the rear of numbers 3 – 9 served by a small bathroom window which will be obscurely glazed and conditioned to be and a blank elevation facing number 1 Edinboro Row and will be served by an eaves height of 2.5m and a pitched roof rising away from the boundary to an overall height of 5m. The front of the dwelling is sited so as to be within the centre of the boundary of number 4 and the rear in line with the boundary of number 8. Due to the design of the proposed dwelling and the close proximity to the side boundary adjacent the rear elevations of numbers 3 – 9 Edinboro Row, it is not considered the proposal will give rise to significant overbearing, overshadowing and overlooking issues upon the occupiers of the immediate neighbouring properties located on Edinboro Row.

6.4.4 To protect the residential amenity of the neighbouring properties in the future, a condition is proposed removal permitted development rights for any further extensions to the property, alterations to the roof or outbuildings.

6.4.5 In view of the above, it is not considered the proposal will give rise to any unacceptable impact upon the amenity of the occupiers of the immediate neighbouring properties in respect of overlooking, overbearing or noise issues.

6.5 Access

6.5.1 There are no objections from The Highways Authority. Access to the site is via an existing private driveway Edinboro Row located off Maws Lane. Directly to the front of the proposed dwelling a driveway is proposed with adequate space to allow vehicles to park and turn to leave the driveway in a forward gear. The private road of Edinboro Row currently serves a total of 7 residential dwellings. It is considered there is adequate visibility in both directions along Maws Lane and the provision of 1 additional dwelling consisting of two bedrooms will not significantly increase the use of Edinboro Row. There are no highway safety issues relating to this application.

7. Planning Balance

7.1 On balance, the benefits of the proposal represent the provision of a single dwelling on an existing vacant previously overgrown brownfield site, with the principle of development considered acceptable and it is not considered the proposal will give rise to any significant detrimental impacts upon the visual amenity of the area or

the street scene of Maws Lane given the sites location, any significant detrimental impacts upon residential amenity or highway safety.

8. Conclusion

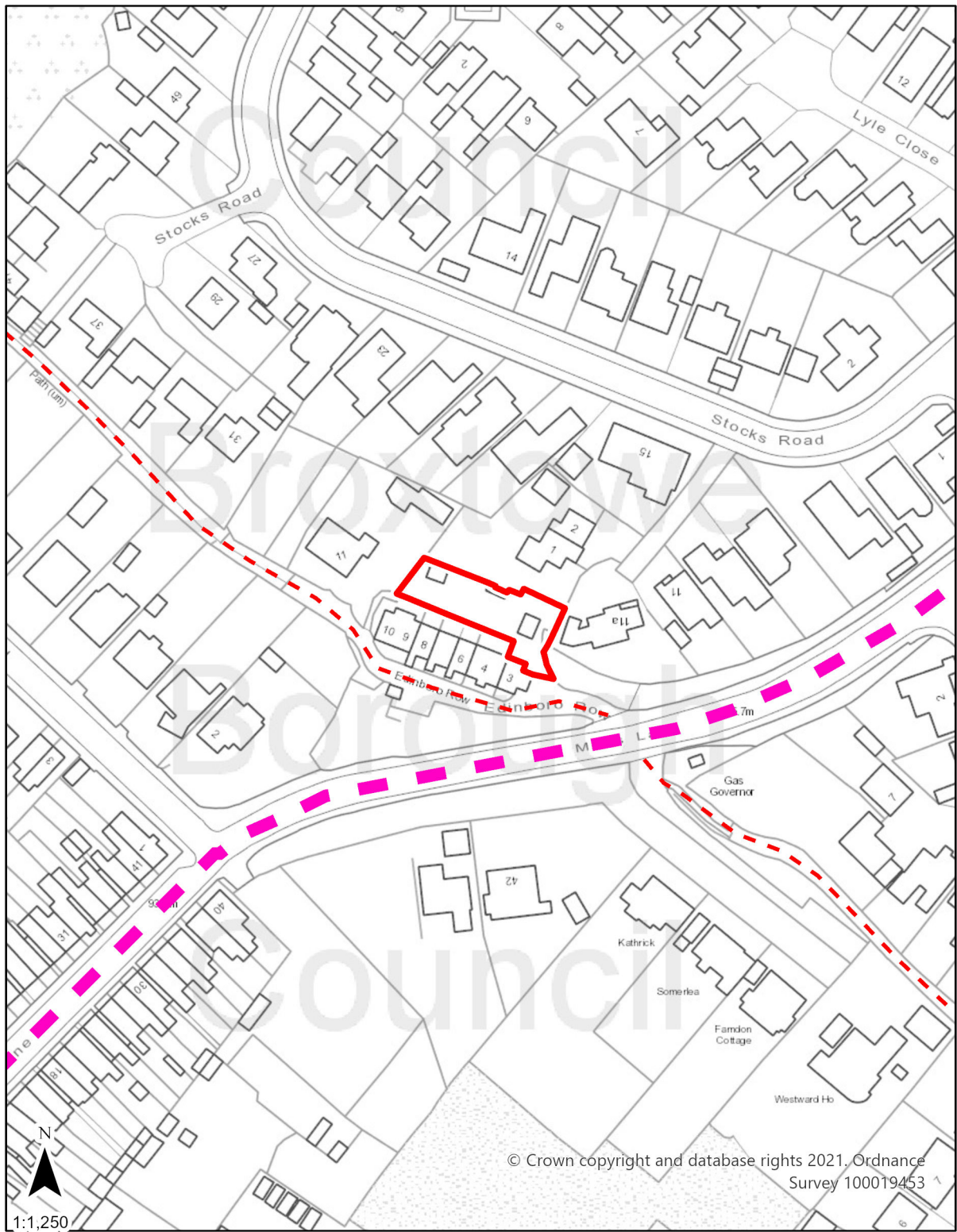
- 8.1 It is considered that, having regard to the relevant policies of the Development Plan, National Planning Guidance and to all other material considerations, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.

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 Location Plan, Block Plan, Elevations and Floor Plans, RS/DB/16/11/01d received by the Local Planning Authority on 06 August 2021.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>The bathroom window on the south elevation 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 non-opening unless the parts of the windows that can be opened are more than 1.7m above the floor of the room in which it is installed and 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>
4.	<p>No building operations shall be carried out above ground level until details of the materials to be used in the external elevations and roof of the hereby approved dwelling 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>

	<i>Reason: No such details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i>
5.	<p>The new dwelling hereby approved shall not be first occupied unless the driveway and parking areas has been provided and surfaced in a hard bound material. The driveway and parking areas shall thereafter be drained to prevent the unregulated discharge of surface water onto the public highway.</p> <p><i>Reason: In the interests of highway safety to ensure adequate drainage and to prevent loose material being carried onto the highway and to ensure adequate parking and turning areas are retained.</i></p>
6.	<p>Notwithstanding the provisions of Schedule 2, Part 1 Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification) there shall be development carried out on the building or within the site falling within Classes A to E without the prior written approval of the Local Planning Authority.</p> <p><i>Reason: In the interests of the amenity of the area and to comply with Policy 17 of the Part 2 Local Plan (2019).</i></p>
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within agreed determination timescale.
2.	<p>The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p>



Legend

- Site Outline
- Classified Road
- Footpath

Photographs

View from Maws Lane and access driveway



Rear boundary with Number 11



Boundary with Number 1



Rear of Number 3 – 9 Edinboro Row



The architectural drawings for the proposed house are as follows:

- proposed street scene scale 1/100**: Shows the front elevation of the house, a detached garage, and a neighboring house.
- proposed elevations scale 1/100**: Shows the front, side, rear, and side elevations of the house.
- site location plan scale 1/1250**: Shows the location of the house on a street grid.
- proposed ground floor plan scale 1/50**: Shows the internal layout of the house, including the lounge, kitchen, bedroom, and bathroom.

The ground floor plan includes the following details:

- Dimensions**: Overall dimensions are 8.80m by 10.00m.
- Rooms**: Lounge (10.00m x 4.00m), Kitchen (4.00m x 3.00m), Bedroom (3.00m x 3.00m), Bathroom (2.00m x 2.00m), and Hallway.
- Other features**: Front garden, side garden, and rear garden.

The site location plan shows the house is located on a street, with a neighboring house to the right and a detached garage to the left.

The proposed ground floor plan shows a house with a lounge, kitchen, bedroom, and bathroom. The plan includes dimensions and room names.