

**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>21/00807/FUL</b>
<b>LOCATION:</b>	<b>48 Wadsworth Road, Stapleford, Nottinghamshire, NG9 8BD</b>
<b>PROPOSAL:</b>	<b>Retain raised patio and fencing and erect canopy</b>

The application is brought to the Committee as requested by Councillor T Hallam.

1 Executive Summary

- 1.1 The application is to retain a raised patio, canopy and fencing at the side and rear of the property.
- 1.2 The main issues relate to whether the principle of the development is acceptable, whether there is an acceptable level of design and whether there would be an impact on neighbour amenity.
- 1.3 The benefits of the proposal are that it would be provide outdoor space for the benefit of the occupants and would be in accordance with the policies contained within the development plan.
- 1.4 The Committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix.

## APPENDIX

1 Details of the Application

- 1.1 The application is to retain a raised patio, canopy and fencing.
- 1.2 The fence has been installed, it is approximately 2m high on the common boundary to no. 50, where it is at the side of the house and on the raised patio and lawn. The fence is constructed of timber with concrete posts in between.
- 1.3 The raised patio will be at a level 0.78m lower than the existing patio, and 0.58m higher than the existing garden lawn. There will be four steps leading from the existing patio, directly from the rear of the house down to the new raised patio.
- 1.4 The canopy, which had not been erected at the time of the officer's site visit, is proposed to be to the northwest of the new patio, adjacent to the boundary with the neighbouring property at 50 Wadsworth Road. The canopy will slope upwards, towards the south east (i.e. away from no. 50), from 2.2m to 2.4m high, and it will be 5m in length where it is adjacent to the boundary, with a width of 3.4m. It will have a timber frame and covered roof but will be open to all sides.

2 Site and surroundings

- 2.1 This is a two storey detached house with brown brick walls and dark brown roof tiles. To the northern side elevation there is a brick built garage which is attached to the house. On the northern boundary, between this garage and the boundary, there is a side walkway that leads to the rear of the house. At the rear of the house there is a patio which is at a level 1.3m above the lawn. The lawn is large and slopes down a hill toward the rear boundary. On either side there are the fences which are approximately 2m high. There is a shed at the bottom of the garden and there are trees at the end garden border.
- 2.2 The houses on the road vary in design and type. The neighbour to the west, 50 Wadsworth Road is a detached bungalow which has a single storey extension adjacent to the common boundary, with a glazed conservatory to the rear of this. This conservatory is at a lower level than the house of the applicant and raised patio, the roof of this building is just slightly higher than the fence is at this point.
- 2.3 46 Wadsworth Road (east) is a detached two storey house which has a single storey extension to the rear and a first floor extension to the side. To the south of the site, on the opposite side of the road is a detached bungalow, no. 43. To the rear of the property are several blocks of flats and a field, the view of which is blocked by trees.

3 Relevant Planning History

- 3.1 There is no relevant planning history for the site post 1974

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 10: Design and Enhancing Local Identity

4.2 **Part 2 Local Plan 2019:**

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

- 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 **Councillors & Parish/Town Councils:**

- Councillor D Grindell – no comment received
- Councillor T Hallam – no comment received, but Cllr Hallam called this application in after speaking to a neighbour.
- Stapleford Town Council – no comment received

5.2 Two neighbours were consulted on the application. 1 responded with an objection. The points of objection were the height of the fence to the common boundary with no. 50, which has resulted in a loss of light, the disruption to groundwork it has caused, no reference to how rainwater will be disposed, the safety of the canopy (if to be used as barbecue area) and the view from the driveway obscured by the fence installed to the front on the boundary with no. 50.

6 Assessment

6.1 The main issues for consideration relate to whether the principle of the developments are acceptable and whether there is an acceptable level of design and impact on neighbour amenity.

6.2 **Principle**

6.2.1 The application site is not covered by any site specific planning policy. It is therefore considered that the principle of development is acceptable subject to any assessment of the design and appearance and its impact on neighbouring amenity.

6.3 **Design**

6.3.1 Policy 10 (d and e) of the ACS states that massing, scale, proportion, materials, architectural style and detailing will be considerations when assessing

development. Policy 17 (4a) of the BLP states that extensions should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing buildings or appear over-prominent in the street scene.

6.3.2 Overall the design of the proposals are considered to be appropriate for the use of the site as a domestic property, and would not dominate the surroundings. There already exists a patio at the rear of the house, therefore an introduction of an extended area at a lower ground level would be appropriate for the character of the house.

6.3.3 The fences are of a design and colour typical of those found at domestic dwellings. The fences erected level with the house and those erected adjacent to the lawn are lower than 2m (and as such would, where less than 2m in height when measured from the ground level within the site, be permitted development).

#### 6.4 **Amenity**

6.4.1 Policy 10 (f) states that the impact of a development on neighbour amenity will be a consideration. Policy 17 (4d) states that any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.

6.4.2 The canopy should not lead to an impact on neighbour amenity through loss of light as the structure is composed of beams, and has open sides rather than solid structure. Although the roof of this canopy will be solid, the shadow that this will create would not have a significant impact on neighbour amenity in terms of loss of light or outlook. Additionally, the canopy and raised patio are no further forward than the brick built element of the extension to no. 50 and as such would be screened from view. No. 46, to the east is unlikely to be affected by these developments because the canopy is not close to their border. Nor will the raised patio will not impact the neighbours of this property as the fencing is of such a height that it prevents overlooking. Furthermore, it is considered that there would be no significant impact on privacy to either neighbour.

6.4.3 Notwithstanding the above in regard to the fencing being permitted development, due to the differences in ground level between the site and no. 50, to the west, the fencing, where erected adjacent to the patio area of no. 48 (that is at a level slightly above the brick built extension at no. 50), appears as 3 metres from ground level when viewed from within the garden of no. 50. The fence at this point is a dominant feature and whilst the height of the fence may reduce natural light entering the neighbour's conservatory, there remains a gap of approximately 1m between the neighbours fence (erected alongside the fence to the application site) and the conservatory is glazed to all three external elevations, and has an opaque roof. As such, the fencing would not result in a significant loss of light to the habitable rooms or immediate outdoor amenity space of this property to the detriment of neighbour amenity. Furthermore, if the fence was to be reduced in height it would potentially result in a loss of privacy caused by overlooking into no. 50's conservatory and garden from the existing and new patio which the taller fence, where adjacent to the patio, prevents.

6.4.4 In conclusion, it is considered that the proposal would not have a significant impact on neighbour amenity for either adjacent property, in terms of loss of light, outlook or privacy.

**6.5 Other Matters**

6.5.1 Concerns have been raised by a neighbour that the new fencing has disrupted the drainage of rainwater from this property.

6.5.2 Concern was also raised that the canopy and fencing could be a fire hazard as it is made from combustible material that would be especially hazardous if that would be used for barbeques.

6.5.3 Despite the fencing being less than one metre tall as it approaches the pavement, the neighbour has also objected to this stating that it harms visibility when driving the vehicle onto the road from the property.

**7 Planning Balance**

7.1 The benefits of the proposal are that it would be provide outdoor space for the property for the benefit of the occupants. There would be significant impact on neighbour amenity, and the development is of an acceptable scale and design. The development would be in accordance with the policies contained within the development plan and this carries significant weight.

7.2 The negative impacts are that there would be some impact on neighbour amenity, however this would not be significant enough to outweigh the benefits.

**8 Conclusion**

8.1 To conclude, it is considered the fencing, raised patio and proposed canopy reflect an acceptable level of design that would be in keeping with the character of the area and the house and would not have an unacceptable impact on neighbour amenity.

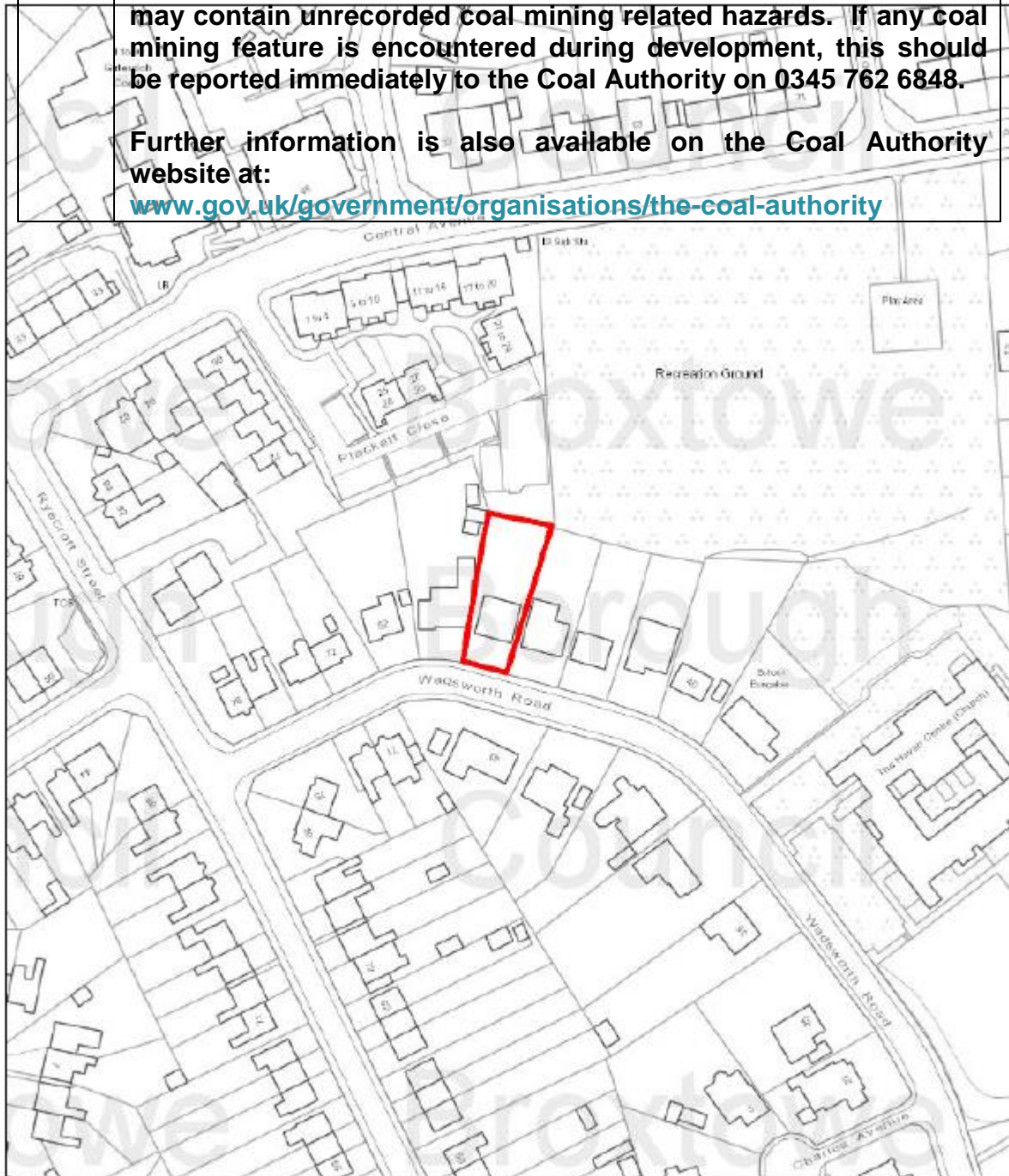
<b><u>Recommendation</u></b>	
<b>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</b>	
<b>1.</b>	<b>The canopy hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</b>  <b><i>Reason: 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></b>

2.	<p>The development hereby permitted shall be carried out and retained in accordance with the site location plan and existing and proposed elevations and floor plans GD/AM/21/044/01, received by the Local Planning Authority on 28 September 2021.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
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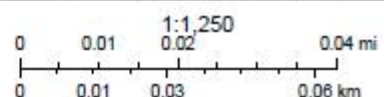
**NOTES TO APPLICANT**

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>
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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:  <a href="http://www.gov.uk/government/organisations/the-coal-authority">www.gov.uk/government/organisations/the-coal-authority</a></p>
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Photographs



Streetview, Google 2019



Side view of house



Rear of house



Neighbour south



Fence, neighbour north



Garden, neighbour north



Rear fence, view from no.50



Rear fence and conservatory of no.50

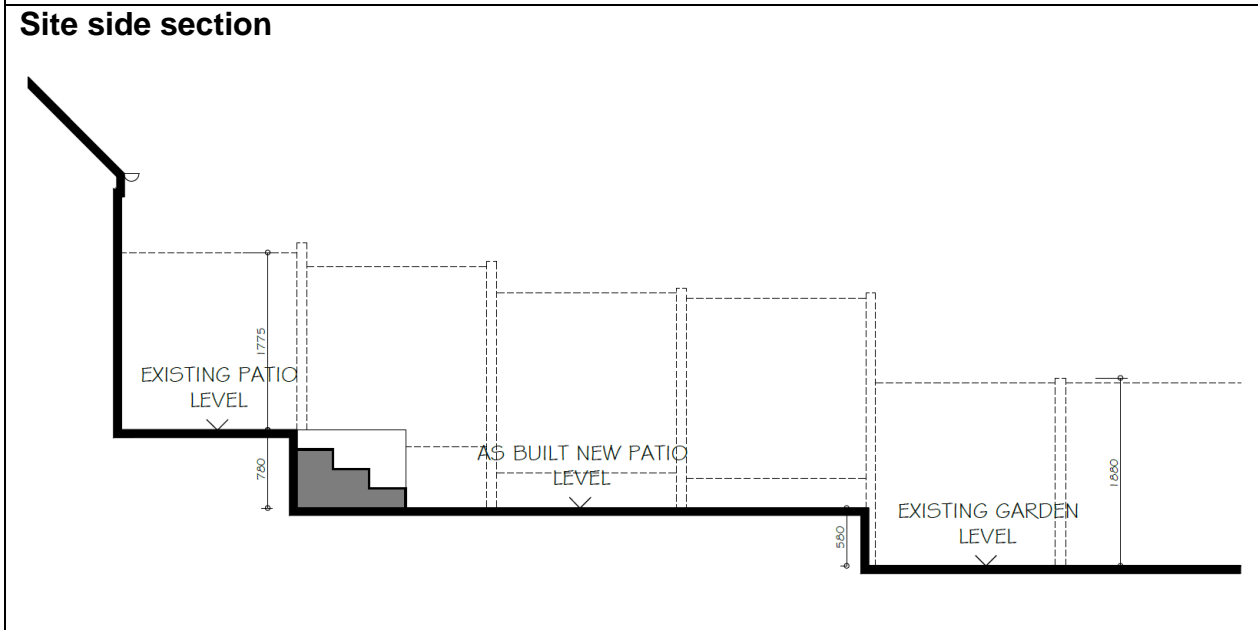
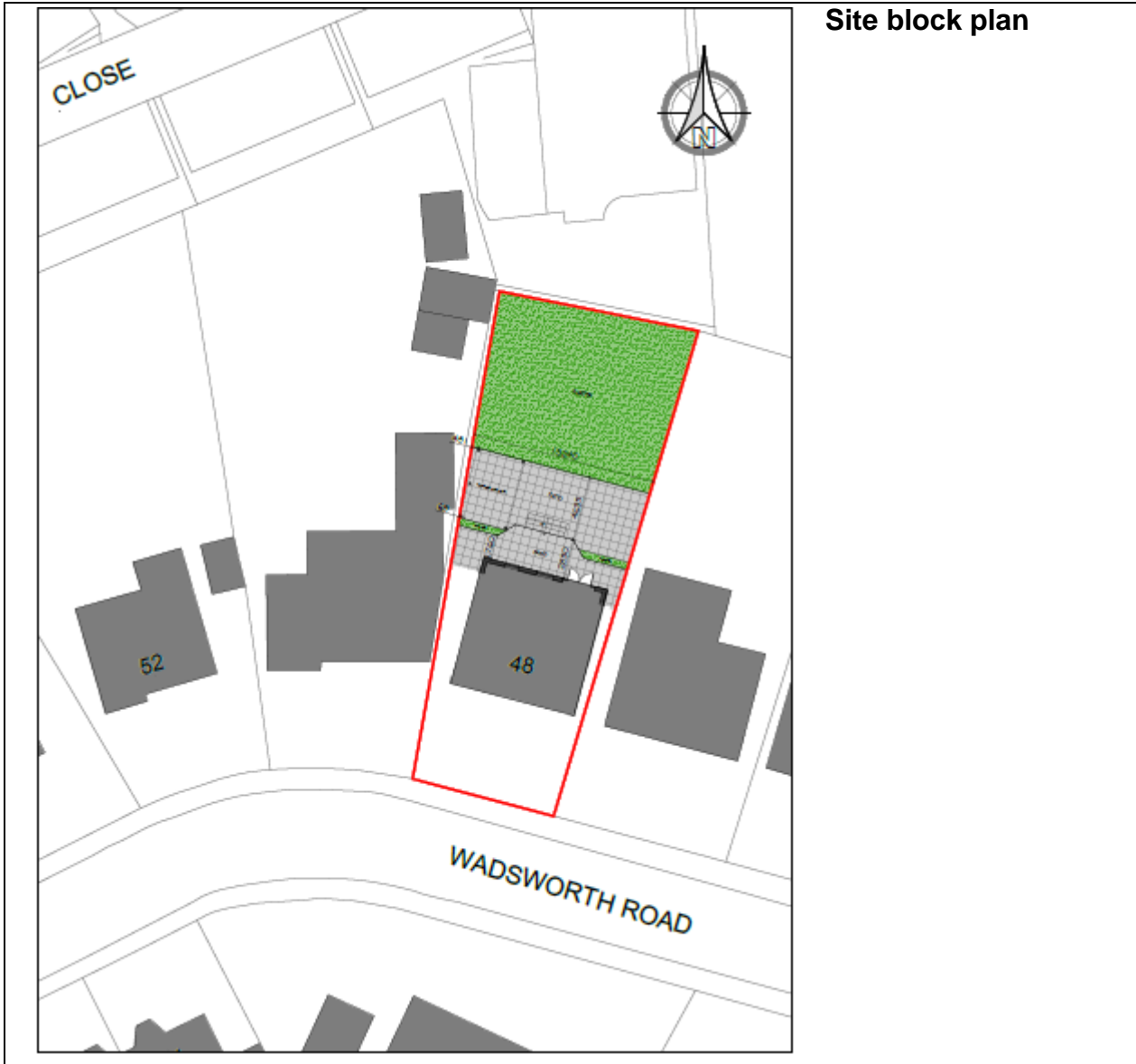


Rear fence, view from no.50

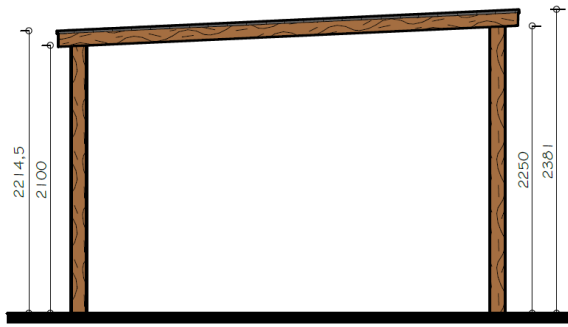


Front fence, view from no.50

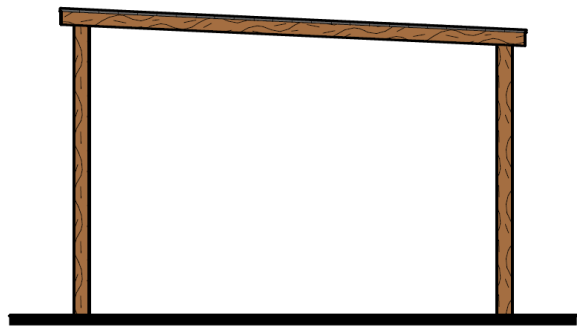




Side



Side



Front



Rear

