

Report of the Chief Executive

APPLICATION NUMBER:	22/00758/FUL
LOCATION:	107 Babbington Lane, Kimberley, Nottinghamshire, NG16 2PT
PROPOSAL:	Construct two storey front and side extensions and balcony to rear.

1. Purpose of Report

Councillor P J Owen has requested this application be determined by Committee.

2. Recommendation

The Committee is asked to resolve that planning permission be refused for the reasons set out in the appendix.

3. Detail

3.1 The application seeks permission to construct two storey front and side extensions and a balcony to rear.

3.2 The dwelling is a detached house with a detached garage. The property is located in the green belt, in a group of houses separated from the main built up area of Swingate. A Right of Way provides walking access along the common boundary to the south west of this site, adjacent to the neighbouring field.

3.3 The main issues relate to whether or not the principle of development is acceptable in the Green Belt, whether the design and appearance of the proposal is acceptable and impact on neighbour amenity and parking.

3.4 The benefits of the proposal are that it would provide improved facilities for the occupiers. The negative impacts due to the cumulative nature of the proposal, are the inappropriateness of the development in the Green Belt, its impact upon the openness in this location and the applicant has not demonstrated exceptional circumstances which would allow for development over and above the allowed 30%.

4. Financial Implications

4.1 There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

5.1 The comments from the Head of Legal Services were as follows:

The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6. Data Protection Compliance Implications

6.1 Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7. Background Papers

7.1 A Design and Access statement has been submitted.

APPENDIX

8. Details of the Application

- 8.1 The application seeks permission to construct two storey front and side extensions and a balcony to the rear. At the front the two storey extension would extend for a partial width of 4.1m in front of the existing entrance. It would form a double height porch, with the removal of a downstairs w/c and first floor bedroom and the installation of an L-shaped stairway. It would have a forward facing gable roof, at an overall height of 5.6m and have a glazed frontage. It would extend out from the existing front elevation by 1.5m.
- 8.2 The two storey side extension would be situated to the south west elevation, it would have a width of 6.1m and extend forward of the existing front elevation by 2m, and beyond the existing rear elevation. It would have a hip roof, at an eaves height of 5m and an overall height of 6.8m. To the front elevation, there would be a large amount of glazing, including on the gable end. The glazing would continue around onto the first floor side elevation, then there would be a smaller window on the first floor side. The rear elevation would also have a large area of glazing, including up to the gable end and there would be a balcony at first floor level. The balcony would extend out from the rear elevation by 2.1m and be supported by posts. Internally, on the ground floor there would be an open plan lounge and on the first floor there would be a two bedrooms with a shared en-suite.
- 8.3 The property would increase from 4 to 5 bedrooms.

9. Site and surroundings

- 9.1 The application property is a detached house, with a detached garage. To the front of the dwelling there is off-road parking with space for approximately 7 vehicles. Beyond the site access, Babbington Lane continues as an unadopted road. The site is relatively flat.
- 9.2 The property is located in the green belt, in a group of houses separated from the main built up area of Swingate. There is a mixture of housing on relatively generous plots to the north and north east, with the site dwelling at the end of this group, to the west, and situated further back than the neighbouring dwelling and is enclosed by fields to the south and west. A Right of Way provides walking access along the south west common boundary of this property and there is a hedgerow/ trees to the west, screening the agricultural fields.
- 9.3 No. 105, to the north, is situated forward of the north-east of the dwelling. It is a chalet bungalow and along with no. 103, to the east of 105, is situated on a slightly smaller plot. It has windows facing the rear and side (west), towards the site's driveway.

10. Relevant Planning History

- 10.1 There have been previous planning applications at this property with the associated works carried out, as follows:
- 10.2 88/00483/FUL – construct two storey extension

10.3 91/00622/FUL – convert integral garage to study

11. Relevant Policies and Guidance

11.1 Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:

- 11.1.1 The Council adopted the Core Strategy (CS) on 17 September 2014.
- 11.1.2 Policy A: Presumption in Favour of Sustainable Development
- 11.1.3 Policy 2: The Spatial Strategy
- 11.1.4 Policy 3: The Green Belt
- 11.1.5 Policy 10: Design and Enhancing Local Identity

11.2 Part 2 Local Plan 2019

- 11.2.6 The Council adopted the Part 2 Local Plan on 16 October 2019.
- 11.2.1 Policy 8: Development in the Green Belt
- 11.2.2 Policy 17: Place-making, design and amenity

11.3 National Planning Policy Framework (NPPF) 2021:

- 11.3.1 Section 2 – Achieving Sustainable Development.
- 11.3.2 Section 4 – Decision-making.
- 11.3.3 Section 12 – Achieving well-designed places.
- 11.3.4 Section 13 – Protecting Green Belt Land

11.4 **Consultations**

- 11.4.1 Councillors and Town Council:
- 11.4.2 Councillor R S Robinson - no comment received.
- 11.4.3 Councillor M Crow - no comment received.
- 11.4.4 Councillor S Easom - no comment received.
- 11.4.5 Kimberley Town Council - no comment received.

12. Consultees

12.1 **The Coal Authority** - As this application is for householder development, I can confirm that we do not require the submission of a Coal Mining Risk Assessment (CMRA) and consultation with us is not required in this case. Request that you attach our Informative Notice to the Decision Notice if planning permission is granted.

12.2 **Rights of Way Officer (Via East Midlands Ltd on behalf of Nottinghamshire County Council)** - Kimberley Footpath 3 runs along the south western boundary of the application site. A definitive plan showing the legally recorded route of the right of way can be obtained from Nottinghamshire County Council (countryside.access@nottscc.gov.uk). Kimberley Footpath 3 appears to be unaffected by the proposal. As such, the Rights of Way team has no objections. Please include NTA's.

12.3 One response has been received to the neighbour consultation/ site notice, with no objections raised.

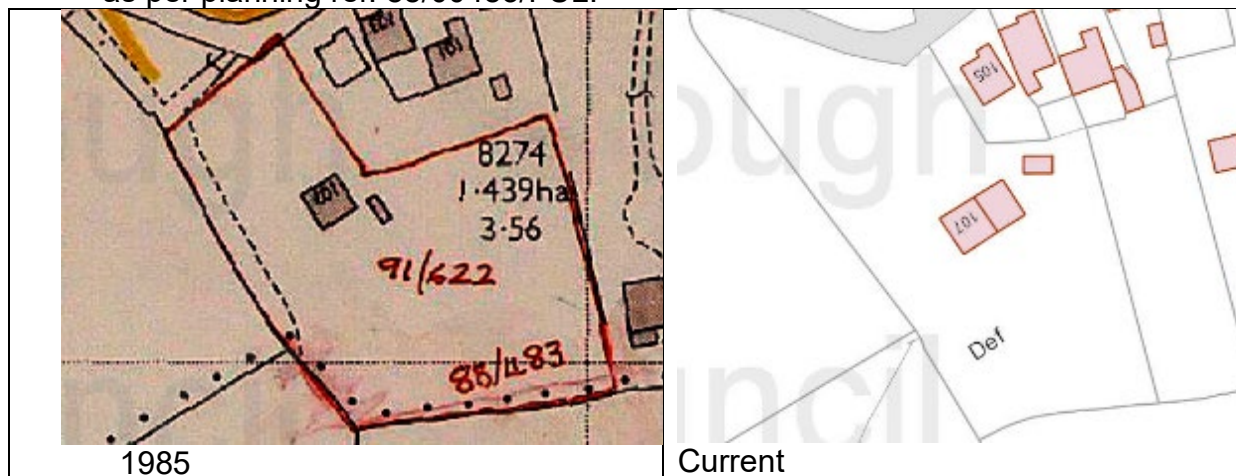
13. Assessment

13.1 The main issues for consideration are whether or not the principle of development is acceptable in the Green Belt, the design and appearance of the proposal, and its impact on neighbouring amenity and parking.

13.2 Principal of development and Green Belt

13.2.1 The application site is washed over by Green Belt, and therefore the principle of development is subject to whether or not it complies with local and national Green Belt policy. Broxtowe Local Plan Part 2 (2019) Policy 8 states that development in the Green Belt will be determined in accordance with the NPPF. Para 149 of the NPPF states that the Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt, exceptions to this is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Policy 8 of the P2LP states that additions which result in a total increase of more than 30% of the volume of the original building will be regarded as disproportionate.

13.2.2 As shown below, the site dwelling has undergone a substantial increase in size, as per planning ref. 88/00483/FUL:



13.2.3 Plans are not available online for 88/00483/FUL or 91/00622/FUL, though the previous proposal provided for a two storey extension and from the images of the dwelling above it is difficult to envisage the original dwelling. Even so if we disregard this previous extension just for the current calculations, the volume of the existing dwelling, is approximately 463.04 cubic metres. The proposed extensions would have a volume of 425.69 cubic metres. Therefore, $425.69 / 463.04 \times 100 = 91.93\%$ increase. Using the Broxtowe Maps measurement tool, the footprint of the original dwelling (as per 1985) measures approximately 61.4 square metres with the extended part on the current map measuring approximately 49.7 square metres, which calculates to an approximate increase of 80.1% on the original dwelling, before the proposed development is taken into account. As an estimate and taken in terms of volume increase the current dwelling is likely to have already had an 80.9% increase on its original form even before the proposed development is taken into account.

- 13.2.4 This volume increase therefore far exceeds the 30% allowance and represents, even without including the previous extensions, an almost doubling of the size of the property as it stands today. Therefore, it is considered the proposal will add to the cumulative impact, be inappropriate development, in accordance with Policy 8 and have a significant impact upon the openness and character of the Green Belt.
- 13.2.5 The applicant has asked that if they omit the proposed side extension and apply just for the front two storey porch extension could they do this within the 30% restriction of Policy 8. Whilst the previous extension was constructed before the current policy was adopted, Policy 8 states 'original building relates to a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally'. From the maps available above the proposal would have already exceeded its 30% allowance, therefore any proposed increase, no matter how small would exceed the 30% rule and as such still be considered contrary to Policy 8.
- 13.2.6 The applicant has stated that the proposal would represent an improvement over development that they could carry out under permitted development, but Policy 8 relates to development that would require planning permission and does not, therefore, impact the applicant's ability to implement permitted development rights.

13.3 Design and Appearance

- 13.3.4 The proposal is considered to be of an appropriate scale in relation to the dwelling, as the front extension to the entrance area, whilst two storey in height, would represent a modestly sized extension compared to the size of the main dwelling, and in design terms it is considered that it would provide a visual improvement and showpiece entrance to the frontage. The two storey side extension, whilst relatively larger than the existing dwelling would, along with the proposed frontage provide a modern element to this dwelling and create improved living space throughout. The balcony would provide views onto the neighbouring fields. Overall due to the dwellings situation, detached, at the end of a row and within a relatively large plot, set back from the public highway, it is considered that the proposal would not cause a terraced or cramped effect within the street scene, and it would be of an acceptable design and have no significant impact on the street scene.

13.4 Amenity

- 13.4.4 For the occupiers, it is considered that the development would provide generous room sizes with access to facilities on all floors, ground floor space to fulfil the needs for a lifetime home, and access to natural light and outlook for all habitable rooms. Whilst there would be an increase in the footprint of the dwelling, the garden is considered to be of a generous size and would retain a good level of outside amenity space and would therefore not represent an over-development of the site.

13.4.5 It is considered that the proposal would have no significant impact on surrounding neighbours, as the dwelling is within a relatively large plot with fields to the south and west, whilst no's 103 and 105 are situated forward of this dwelling on smaller plots, the proposed side extension would be to the south west elevation, away from these dwellings and the front porch would create a double height entrance area, meaning that the upper floor area would be set back from any front glazing.

13.5 Access

13.5.1 Whilst there would be some development to the front, this would be a relatively small footprint increase in relation to the existing drive, therefore current parking and access into the site would be unaffected by the development and as such it is considered that the development would not have a significant impact on highway safety or result in an increase demand for on street parking.

13.5.2 The proposed side extension would be constructed to the south west elevation. An existing Right of Way runs along this common boundary, but as the proposed extension would be situated some distance from this Right of Way, it is considered that the development would have no significant impact on the Right of Way. The Right of Way Officer has provided no objections, but commented that a note to applicant should be included in the decision notice should planning permission be granted.

13.6 Ground conditions

13.6.1 The Coal Authority have requested that a note to applicant is attached should planning permission be granted.

13.7 Planning Balance

13.7.1 The benefits of the proposal are that it would provide improved facilities for the occupiers.

13.7.2 The negative impacts due to the cumulative nature of the proposal, are the inappropriateness of the development in the Green Belt, its impact upon the openness in this location and the applicant has not demonstrated very special circumstances which would allow for development over and above the allowed 30%.

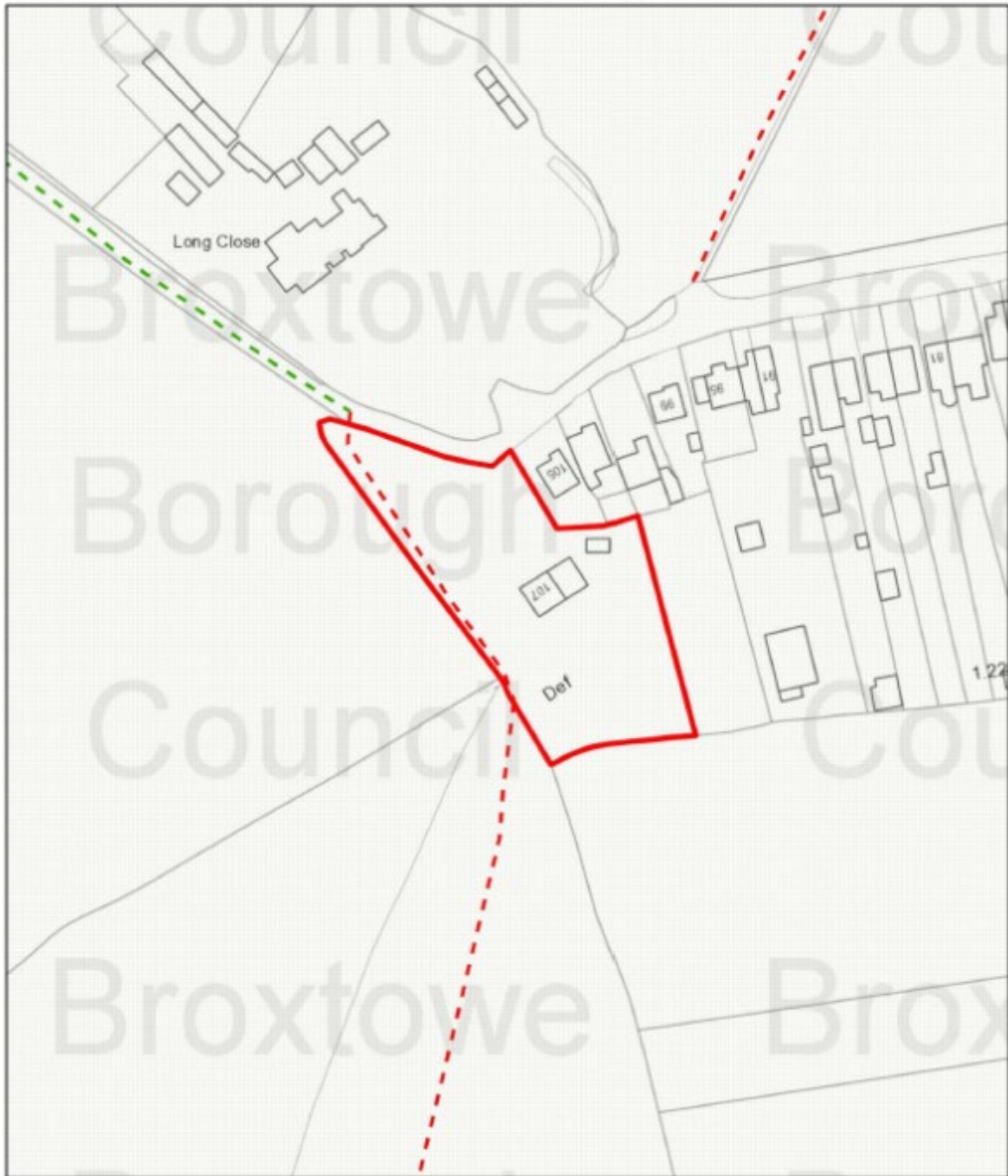
13.7.3 On balance, the negative impacts are considered to carry sufficient weight to outweigh the benefits of the proposal.

14. Conclusion

14.1 **Recommend that planning permission for the development is refused.**

Recommendation	
The Committee is asked to RESOLVE that planning permission be refused for the following reasons:	
1.	The proposal constitutes inappropriate development within the Green Belt as the proposed extensions represents a disproportionate addition to the size of the original building. There are insufficient very special circumstances demonstrated to clearly outweigh the harm resulting from the inappropriateness of the proposed development and the significant harm upon openness. Accordingly, the proposal is contrary to Policy 8 of the Part 2 Local Plan and Section 13: Protecting Green Belt Land of the National Planning Policy Framework (NPPF) 2021 and there are no other material considerations that justify treating this proposal as an exception.
	NOTES TO APPLICANT
1.	Whilst it has not been possible to achieve a positive outcome due to the fundamental concern regarding impact on the Green Belt, the Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.

107 Babbington Lane Kimberley Nottinghamshire NG16 2PT



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Site



Green Belt

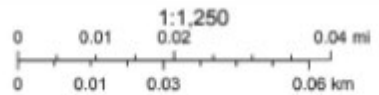
Public Rights of Way



Byway open to all traffic

--- Bridleway

--- Footpath



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Photographs



Front (north west) elevation and boundary with no. 105.



Site from above and relation to neighbours.



The site (marked) and neighbouring houses, and their separation from the built-up area.

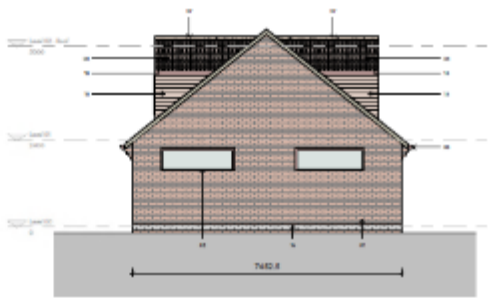
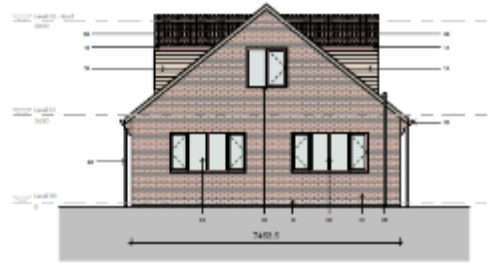
(Images taken from Google Maps)

Plans (not to scale)

Existing and Proposed block plans



Existing elevations



Proposed elevations



Existing floor and roof plan



Proposed floor plan

