

## Report of the Chief Executive

**18/00695/FUL  
CONSTRUCT NEW DETACHED MASONRY DOUBLE GARAGE  
TEMPLE LAKE HOUSE 53A KIMBERLEY ROAD NUTHALL  
NOTTINGHAMSHIRE NG16 1DA**

Councillor J M Owen requested this application be determined by the Committee.

1 Details of the Application

- 1.1 This application seeks permission to construct a detached garage. The garage will have dimensions of 12m by 6m, with a lean-to store on the west side that will project out of the main garage by 1m. The garage will have a hipped roof with a ridge height of 3.9m and a height to eaves of 2.3m. The lean-to will have a height to eaves of 1.95m, and will follow the roof slope of the main garage up to the proposed ridge height.
- 1.2 The proposed garage will be constructed using red lbstock brickwork to match the principal dwelling at Temple Lake House and will have a natural slate roof.

2 Site and Surroundings

- 2.1 Temple Lake House occupies a large site to the south of Kimberley Road, Nuthall. Part of the application site is set within the Nuthall Conservation Area, as well as the Nottinghamshire Green Belt. The proposed garage is positioned to the north of the principal dwelling, outside of both the Conservation Area and the Green Belt.
- 2.2 The proposed garage will be positioned approximately 2.5m from the west boundary of the site adjoining The Old Orchard, No. 7B Edward Road, with the boundary being made up of a large hedge which is circa 2m in height. To the north of the site are the rear gardens of No. 55 and 53 Kimberley Road, with a fence circa 1.9m high making up the boundary with No. 55 Kimberley Road. The area immediately adjoining the site to the east is subject to a planning application (18/00729/FUL) for the construction of two dwellings, and currently forms part of the garden for No. 53 Kimberley Road. The east boundary of the site adjoins residential gardens and is made up of a combination of a wall and fence that is circa 1.6 – 1.8m high. To the south of the proposed garage is Temple Lake House, which is the host dwelling for the proposed garage.
- 2.3 The application site is accessed from both Kimberley Road and Edward Road. The proposed garage is situated off the private driveway that leads to Temple Lake House from Kimberley Road.



Proposed location of garage and relationship with west boundary (adjoining The Old Orchard) and north boundary.



Proposed location of garage and relationship with west boundary (adjoining The Old Orchard) and north boundary.



West boundary adjoining The Old Orchard.



Proposed location of garage and relationship with the host dwelling and the west boundary (adjoining The Old Orchard).



East boundary of site.



East boundary of site.



Site access from Kimberley Road.

### 3 Relevant Planning History

- 3.1 In 2003, planning permission 03/00293/FUL was granted for the demolition of the existing building at Temple Lake and the construction of a new dwelling with garage.
- 3.2 In 2006, a revised scheme under planning application 06/00231/FUL was submitted as during the construction of the dwelling a number of amendments had taken place which had not been approved by the Council. The planning application was refused permission by Planning Committee, a decision which was subsequently overturned on appeal whereby planning permission was granted for the application in March 2008.
- 3.3 Since planning application 06/00231/FUL, no further householder planning applications have been submitted for Temple Lake House.

### 4 Policy Context

#### 4.1 **National policy**

- 4.1.1 The National Planning Policy Framework (NPPF) July 2018, outlines a presumption in favour of sustainable development, that planning should be planned, decisions should be approached in a positive and creative way and high quality design should be sought.

#### 4.2 **Broxtowe Aligned Core Strategy**

- 4.2.1 The Council adopted the Core Strategy (CS) on 17 September 2014.
- 4.2.2 'Policy A: Presumption in Favour of Sustainable Development' reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 4.2.3 Policy 10: Design and Enhancing Local Identity, aims to ensure that development has regard to the local context and is assessed in terms of its impact on the amenity of neighbouring residents.

4.2.4 Policy 11: The Historic Environment, states that proposals and initiatives will be supported where the historic environment and their heritage assets are conserved and/or enhanced in line with their interest and significance. Whilst the proposed garage is not positioned within the Conservation Area, the host dwelling is and therefore its potential impact on the Conservation Area must be considered.

#### 4.3 **Saved Policies of the Broxtowe Local Plan**

4.3.1 The Part 2 Local Plan has recently been examined. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:

4.3.2 Policy H11, states that planning permission will be granted for minor development such as sheds and garages provided that siting, design and materials do not substantially harm the appearance of the property or the street scene, or the amenity of neighbouring occupiers.

#### 4.4 **Part 2 Local Plan (Draft)**

4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has recently been examined, with the Inspector's report awaited. The representations on the plan included 11 no. representations in relation to Policy 17 and 11 no. representations in respect of Policy 23. Given that there remain outstanding objections to these policies with the Inspector's view on these not yet known pending her report, these policies can be afforded only limited weight.

4.4.2 Policy 17: Place-making, Design and Amenity, states that all householder development 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 building or appear over-prominent in the street scene. Any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.

4.4.3 Policy 23: Policies affecting designated and non-designated heritage assets, states that proposals will be supported where heritage assets and their settings are conserved or enhanced in line with their significance.

#### 4.5 **Nuthall Neighbourhood Plan**

4.5.1 The Nuthall Neighbourhood Plan was 'made' on 13 December 2018 following a 'yes' vote in the Neighbourhood Plan referendum. Policy 5 'Design and the Historic Environment' states that design of all new development should enhance and positively contribute to the character of the area in which it is located. The policies in the Neighbourhood Plan therefore carry full weight.

## 5 Consultations

5.1 The Conservation Adviser raises no objections to the proposal and provided the following comments:

*Although the conservation area lies to the south and the land to the south accommodates two listed structures I do not consider the scheme would be harmful to these heritage assets. The proposed garage would effectively be screened from the conservation area by Temple Lake House and would sit alongside the neighbouring dwelling to the west. Although the garage is a rather large building I have no objection from a conservation perspective.*

- 5.2 The Highways Authority has no concerns considering the location of the garage on a private Drive.
- 5.3 Nuthall Parish Council objects to the proposal due to concerns over the width of the access, the over-intensification of the site and due to the fact that the garage will be too close to an existing property.
- 5.4 Consultation letters have been sent out to 9 neighbouring properties and a site notice was posted on the lamppost outside No. 55 Kimberley Road on 26 October 2018. Four letters have been received in respect of this application with one stating that no objections are raised and three raising objections. The reasons for objection can be summarised as follows:
- Loss of light due to its close proximity to the boundary and the already close proximity of Temple Lake House to the adjoining boundary.
  - Sense of enclosure for the residents of the neighbouring property.
  - Increased traffic due to the garage.
  - Noise disturbance created by the banging of garage doors.
  - The proposed garage would have a harmful impact on the Green Belt and Conservation Area.
  - The dark grey doors do not match anything on the adjacent properties.
  - Black rainwater good when the rainwater goods on the host dwelling are white.
  - The existing garage should be adequate for domestic vehicles.
  - The building is very high for a garage.

## 6 Appraisal

- 6.1 The main issues to be considered with this application are the impact of the proposed garage on neighbouring amenity, the design and appearance of the proposed garage and its impact on highways safety.

### 6.2 Amenity

- 6.2.1 The proposed garage will be positioned approximately 2.5m from the adjoining boundary with The Old Orchard to the west of the application site. The lean-to storage area will be positioned closest to the adjoining boundary, meaning the main part of the garage will be approximately 3.5m from the boundary. The Old Orchard is positioned approximately 1.5m from the adjoining boundary with the application site.
- 6.2.2 The existing boundary treatment between The Old Orchard and the application site is a large hedge, circa 2m in height and extending up to approximately level

with the eaves height of the existing dwelling at The Old Orchard. The eaves height of the proposed garage is 2.3m and that of the lean-to is 1.95m. Due to the hipped nature of the roof, the part of the roof with a maximum ridge height of 3.9m will be set in approximately 6.6m from this adjoining boundary.

- 6.2.3 With a maximum height of less than 4m and an eaves height lower than 2.5m the height of the garage is not considered to be unacceptable in relation to the surrounding dwellings. The minimum distance of 2.5m to the boundary is considered to allow a sufficient separation distance between the neighbouring property and the proposed garage, in relation to the size of the garage. It is not considered that the proposed garage will have a significantly greater impact on light than the existing 2m high boundary hedge that is in close proximity to the side elevation of The Old Orchard.
- 6.2.4 No windows are proposed on the garage and therefore there are no concerns in relation to a loss of privacy for The Old Orchard.
- 6.2.5 An objection has been raised on the grounds that the garage will result in noise disturbance created by the opening and closing of the doors. Garages are a common feature of residential areas and are often situated in close proximity to principal living spaces. The garage, which albeit a large structure, could only be used for the storage of vehicles and other goods ancillary to the residential occupation of Temple Lake House. Therefore it is not considered that a refusal on the grounds of noise disturbance could be sustained. Furthermore should the use of the garage be intended for commercial activities which could generate increased noise disturbances planning permission would be required for this use.
- 6.2.6 The proposed garage will be positioned approximately 4.5m from the adjoining boundary to the east. The land directly to the east appears to be garden land and therefore there are no concerns with regards to impact on amenity given the low height of the garage at just under 4m and considering the nearest property to the east is No. 55 Kimberley Road which is more than 60m from the proposed garage.
- 6.2.7 Planning application 18/00729/FUL proposes to build a new dwelling on the land adjacent to the application site to the east. Should permission for this dwelling be granted it will be set back from the adjoining boundary by 11m and therefore it is not considered the garage would have an unacceptable impact on the amenity of this dwelling.
- 6.2.8 The proposed garage will be approximately 15m from the east boundary of the application site. The adjoining land use is the rear part of the garden for No. 51 Kimberley Road, and Part of the garden for No. 37 Kimberley Road. It is considered that the proposed garage will be a sufficient distance from the boundary in relation to its size and taking the adjoining use into account it is not considered that it will have any negative impact on neighbouring amenity to the east.
- 6.2.9 To the south of the proposed garage is Temple Lake House, the host dwelling. It will approximately 15m from the dwelling at its nearest point and is therefore not



considered to result in an unacceptable loss of amenity for the residents of the host dwelling.

### 6.3 Design and Appearance

6.3.1 Temple Lake House is a substantial detached dwelling set within a large plot. Whilst the proposed garage is a large structure, it is considered to be of a size and scale that is in keeping with the existing dwelling and the application site is considered to be of a size that can withstand the scale of development proposed without resulting in a cramped effect that would be out of keeping with the character of the area.

6.3.2 Whilst the host dwelling is set within the Conservation Area, the proposed garage is not, although it will be positioned adjacent to it. The Conservation Adviser has not raised any objections in relation to the impact of the proposal on heritage assets largely considering the position of Temple Lake House which will act to screen the garage from view.

6.3.3 Whilst part of the application site to the south is within the Green Belt, the proposed garage is not. Temple Lake House is between the proposed garage and the Green Belt land, therefore screening the proposed structure and ensuring it will not harm the openness of the Green Belt.

6.3.4 Temple Lake House is set back from Kimberley Road by a long private drive. The garage is therefore set well back from the highway and will have no impact on the street scene.

6.3.5 The proposed elevation plan details the materials to be used in the construction of the garage. The elevations will be constructed using red lbstock brickwork to match the host dwelling and the roof will be natural slate. It is considered that these materials are in keeping with the character of the host dwelling and the surrounding area.

### 6.4 Highways Safety

6.4.1 The proposed garage will utilise existing vehicular access from Kimberley Road and will be ancillary to the existing dwelling, Temple Lake House. Therefore there are no concerns that it will result in an increase in traffic generation in the surrounding area.

6.4.2 The access to the existing site is not affected by the proposal and the garage will be set back from Kimberley Road by more than 90m. Overall it is not considered that the proposal will have an unacceptable impact on highways safety.

## 7 Conclusion

7.1 Overall it is considered that the proposed garage will achieve an acceptable standard of design that is in keeping with the character of the surrounding area and will not have a negative impact on the street scene. Furthermore the proposal is not considered to result in an unacceptable impact on the amenity of any

neighbouring properties or on highways safety. Taking these points into account it is recommended that planning permission for the garage is granted.

**Recommendation**

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

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with drawing numbers 1606(P)101 c (1:1250), 1606(P)111 c (1:500), 1606(P)115 a (1:100), 1606(P)112 b (1:100), 1606(P)113 a (1:100), 1606(P)114 a (1:100); received by the Local Planning Authority on 15 October 2018.**

**Reasons:**

- 1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 2. For the avoidance of doubt.**

**Note to Applicant:**

**The Council has acted positively and proactively in the determination of this application by *communicating with the agent throughout the course of the application.***

Background papers  
Application case file



