

Report of the Chief Executive

**18/00808/ROC
 VARIATION OF CONDITION 1 (THE DEVELOPMENT SHALL BE CARRIED OUT IN ACCORDANCE WITH THE PROPOSED LOCATION PLAN AND FLOOR PLANS...) OF PLANNING REF: 17/00245/REM
 178 MOORGREEN, NEWTHORPE, NOTTINGHAMSHIRE, NG16 2FE**

Councillor M Handley requested this application be determined by the Committee.

1 Details of the Application

- 1.1 This application seeks permission to vary condition 1 of planning reference 17/00245/REM. Condition 1 requires that the development is carried out in accordance with the drawings submitted with the application. During construction certain aspects of the building have been altered from the approved plans and therefore the development is currently in breach of condition 1 of planning permission 17/00245/REM.
- 1.2 The variations in the built form of the building largely relate to the openings on the rear and side elevations. Six roof lights have been installed in the roof on the rear elevation to allow for first floor accommodation. The first floor window on the north west side elevation has been altered from a circular window to a traditional rectangular window, and the first floor window on the south east side elevation has been removed altogether. The ground floor window on the north west side elevation has also been altered from a full height window to a more traditional style window.
- 1.3 Members will recall that this matter was presented to them at Planning Committee on 7 November 2018, where it was resolved to give the owners the opportunity to regularise the breaches of planning control. This planning application is their attempt to do so.

2 Site and Surroundings



Front elevation.



Rear elevation.



Rear elevation.



North west side elevation.



South east side elevation.

2.1 The application site is situated to the north west of 176 Moorgreen. The property is set on an elevated position to the main road off which it is accessed, and is therefore set above the residential properties on the other side of the road. The new dwelling is set 8.7m from the front boundary which is made up of a hedgerow approximately 1.7m high. It is 4m from the south east boundary adjoining 176 Moorgreen and approximately 9.5m at its closest point from the rear boundary to the north. The property is set 35m from the north west boundary of the site which is made up of hedgerow in excess of 2m high.

2.2 The application site is set within the Nottinghamshire Green Belt, with land to the rear being open agricultural land.

3 Relevant Planning History

3.1 Planning ref: 16/00532/OUT was granted outline permission to construct a detached bungalow in November 2016. The decision was made at Planning Committee on 9 November 2016. The minutes from this meeting states that

Members took the decision to approve the proposed dwelling due to the applicant's specific needs.

- 3.2 Planning ref: 17/00245/REM was granted permission in June 2017 for the approval of reserved matters relating to access, appearance, landscaping, layout and scale. One condition of the planning permission removed permitted development rights for any extensions to the property including dormer windows. The roof lights and other alterations to the dwelling require planning permission as they are deviations from the dwelling as approved.

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.

- 4.1.2 Paragraph 144 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 states that when considering any planning application local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

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' states that development should be assessed in relation to its massing, scale, materials, design and impact on the amenity of nearby residents or occupiers.

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 Local Plan Policy E8: Development in the Green Belt states that planning permission will not be permitted in the Green Belt except where it constitutes appropriate development.

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 10 no. representations in relation to Policy 8 and 11 no. representations in relation to Policy 17. Given that there remain outstanding objections to Policies 8 and 17 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 8: Development in the Green Belt states that applications for development in the Green Belt will be determined in accordance with the NPPF.
- 4.4.3 Policy 17 'Place-making, Design and Amenity' states that 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; two-storey extensions should avoid a terraced or cramped effect; dormers should not dominate the roof; development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.

5 Consultations

- 5.1 The Highways Authority has been consulted on this application and no objections have been raised.
- 5.2 Consultation letters in respect of this application have been sent out to 10 neighbouring dwellings. One response has been received in support of the application, with no specific reasons having been stated.

6 Appraisal

- 6.1 The main issues to be considered with this application are the impact on neighbouring amenity, the design and appearance of the proposal, and whether or not the proposal would be considered appropriate development in the Green Belt.
- 6.2 Green Belt
- 6.2.1 The development is within the Green Belt. Local Plan Policy E8 states that planning permission will not be granted for development in the Green Belt, except where it constitutes appropriate development. The policy includes under appropriate development limited extension, alteration or replacement of existing dwellings, provided that it does not result in disproportionate additions over and above the size of the original building.
- 6.2.2 Although the construction of a new dwelling is inappropriate development in the Green Belt, the alterations relate to the insertion of roof lights and amendments to previously approved openings. The alterations will therefore not result in any additions to the dwelling that will increase the size of the building. Taking this into account it is considered that the proposed alterations would not impact the

openness that characterises the Green Belt and would not be inappropriate development in accordance with Local Plan Policy E8 and NPPF paragraph 145.

6.3 Neighbouring Amenity

6.3.1 The alterations to the dwelling do not result in additions to the built form, and therefore will not result in an overbearing impact or sense of enclosure for any neighbouring dwellings.

6.3.2 The nearest neighbouring dwelling to the application site is No. 176 Moorgreen, the side elevation of which is approximately 16m from the side elevation of No. 178. No. 178 is positioned beyond the rear elevation of No. 176 and the roof lights therefore do not allow for any clear overlooking of No. 176, especially considering the significant separation between the two dwellings.

6.3.3 There are no neighbouring dwellings directly adjoining either the rear boundary or the north west boundary of the site. Therefore, neither the roof lights on the rear elevation, or the first floor window on the north west side elevation will have an adverse impact on neighbouring amenity.

6.3.4 Overall it is considered that the proposal will not result in the unacceptable loss of amenity for any neighbouring dwellings.

6.4 Design and Appearance

6.4.1 The alterations are on the side and rear elevation of the dwelling and will not have a significant impact on the street scene or character of the area. The roof lights are on the rear elevation and not visible from the street scene, and the amendments to the windows on the side elevations will not have an overly prominent impact on the appearance of the dwelling. Overall it is considered that the proposals are acceptable from a design point of view.

7 Conclusion

7.1 It is considered that the proposal represents limited alterations to a previously approved dwelling in the Green Belt and that it will not result in a loss of amenity for any neighbouring properties or have a harmful impact on the street scene or character of the area. The proposal is therefore considered to be in accordance with Broxtowe Local Plan (2004) Policy E8, Broxtowe Aligned Core Strategy (2014) Policy 10, and Broxtowe Draft Part 2 Local Plan (2018) Policies 8 and 17.

Recommendation

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

- 1. The development hereby permitted shall be retained in accordance with drawing numbers 17/770/01 Rev F (1:100, 1:250), 17/770/02 Rev G (1:100), 17/770/3 Rev B (1:250), 17/770/05 (1:100); received by the Local Planning Authority on 29 November 2018.**

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking or re-enacting this order, no extensions or enlargements shall be carried out to the dwelling hereby approved which come within Class A or B of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority by way of a formal planning permission.
3. The surface of the driveways and parking areas shall be retained in a hard bound material (not loose gravel) and drained to prevent the unregulated discharge of surface water onto the public highway for the lifetime of the development.
4. The dwelling hereby approved shall retain visibility splays of 2.4m x 43m in both directions. The visibility splays shall be kept free of all obstructions above 0.6 metres in height for the lifetime of the development.

Reasons

1. For the avoidance of doubt.
2. In the interests of retaining a spacious plot where occupiers have a satisfactory degree of amenity and to ensure that the building remains of a suitable scale and size which is appropriate within the Green Belt. This condition accords with the aims of Policies E8 & H7 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014), Policy 8 of the Draft Part 2 Local Plan (2018) and Section 13 of the National Planning Policy Framework (2018).
3. In the interests of highway safety
4. To maintain visibility splays throughout the life of the development and in the interests of highway safety.

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

