

Report of the Chief Executive

<b>APPLICATION NUMBER:</b>	<b>23/00554/FUL</b>
<b>LOCATION:</b>	<b>Land Behind 79 Chewton Street, Eastwood, Nottinghamshire, NG16 3JQ</b>
<b>PROPOSAL:</b>	<b>Construct detached bungalow to rear garden, with access from Old Kiln Lane</b>

The application is brought to the Committee at request of Councillor M Radulovic MBE.

1. Purpose of the Report

- 1.1 The application seeks full planning permission for the sub division of the existing house garden and the erection of a single storey detached dwelling, access, parking and amenity space.

2. Recommendation

**The Committee is asked to RESOLVE that planning permission be refused for the reasons outlined in the appendix.**

3. Executive Summary

- 3.1 The application site consists of an area of garden ground belonging to the existing two storeys semi-detached brick built property located on Chewton Street. The house is linked to the neighbouring property number 77 by a party wall. There is a small drive and garden area to the front (east) of the property.
- 3.2 In regards to neighbouring properties the site is located in a built up residential area of Eastwood with an adjoining neighbour to the north west (77 Chewton Street). 81 and 75 Chewton Street are located to the north and south of the site linked by the rear gardens and with 1Old Kiln Lane located to the east on the opposite side of the public road.

4. Financial Implications

- 4.1 The comments from the Head of Finance Services were as follows:  
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

Nil.

## APPENDIX

1. Details of the application

- 1.1 The application seeks full planning permission for the sub division of the existing house garden and the erection of a single storey detached dwelling, access, parking and amenity space. The property will measure 9.9m by 6.9m with a ridge height of 4.58m.

2. Site and surroundings

- 2.1 The application site consists of an area of garden ground belonging to the existing two storeys semi-detached brick built property located on Chewton Street. The house is linked to the neighbouring property number 77 by a party wall. There is a small drive and garden area to the front (east) of the property.
- 2.2 In regards to neighbouring properties the site is located in a built up residential area of Eastwood with an adjoining neighbour to the north west (77 Chewton Street). 81 and 75 Chewton Street are located to the north and south of the site linked by the rear gardens and with 1 Old Kiln Lane located to the east on the opposite side of the public road.

3. Relevant Planning History

- 3.1 No Relevant Planning History Found
- 3.2 Relevant Policies and Guidance

**Broxtowe Aligned Core Strategy 2014:**

The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy 8 - Housing Size, Mix and Choice
- Policy 10 - Design and Enhancing Local Identity
- Policy 17 – Biodiversity

**Part 2 Local Plan 2019**

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
- Policy 31 – Biodiversity Assets

**National Planning Policy Framework (NPPF) 2023**

- Part 2 - Achieving Sustainable Development.
- Part 4 - Decision-making.

- Part 5 - Delivering a sufficient supply of homes
- Part 11 - Making effective use of land
- Part 12 - Achieving well-designed places

#### 4. Consultations

##### 4.1 **Councillors & Parish/Town Councils:**

- Councillor S Bagshaw – No Comments Received
- Councillor M Radulovic – Requested the application be called into committee
- Eastwood Town Council - No Comments Received

##### 4.2 **Consultees:**

- Coal Authority – No objection subject to pre-commencement conditions being added to the decision regarding site investigations and safety survey being carried out.
- Highways – No objection
- Environmental Health – No objection subject to Informatives being added regarding working hours, the burning of waste and a construction/demolition statement being submitted.
- Environment Services – No Comment received.

##### 4.3 **Neighbours:**

- Eleven neighbours were consulted on the application with objection comments received from four neighbouring properties and five third parties. The comments received raise the following points:
  - Foul Drainage capacity,
  - Suitability of the access road,
  - Suitability of the site for a house,
  - Access issues,
  - Wildlife on site,
  - Loss of Privacy,
  - Sense of enclosure, and
  - Construction noise.

#### 5. Assessment

##### 5.1 **Principle**

The principle of a single storey detached property within the curtilage an existing dwelling within a residential area in this location, is deemed acceptable subject to any assessment of the design and appearance and its impact on amenity.

## 5.2 Design

Policy 8 of the Aligned Core Strategy states that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. All residential developments should contain adequate internal living space and a proportion of homes should be capable of being adapted to suit the lifetime of its occupants. Policy 10 states that massing, scale, proportion, materials, architectural style and detailing will be considerations when assessing development.

Policy 15 of the Part 2 Local Plan 2019 states that developments of market and affordable housing should provide an appropriate mix of house size, type, tenure and density to ensure that the needs of the residents of all parts of the Borough and all age groups are met. Policy 17 of the Part 2 Local Plan 2019 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.

The proposed property is single storey in design and small in terms of its scale and massing. This side of the public road is made up of large two storey semi-detached brick built properties set within large plots and with elongated rear gardens. The introduction of a single storey property to the rear of 79 Chewton Street, is considered to disrupt the existing pattern of development and the proposed property would appear as an incongruous cramped addition to the street which would negatively affect the character and appearance of the street scene. The proposed bungalow would take up the majority of the garden to 79 Chewton Street and have minimal garden for its self just a small area of side garden. Given the setting of the neighbouring properties being consistent in terms of the proportion of garden space to house size contributing to the established pattern of development, the loss of amenity space to number 79 and the minimal amenity space for the proposed bungalow are considered not in accordance with local settlement pattern.

The proposed property is small in footprint and with an internal floor area of only 54.8m<sup>2</sup> the property is contrary to the 'Technical housing standards – nationally described space standards'. To make the property in line with the guidance a larger property of 70m<sup>2</sup> would be required which would then amplify the issues with regards to the overdevelopment of the site.

Information submitted on the application form indicates that the finish materials of the proposed house will match those of the parent house with facing bricks used in the construction of the walls and tiles to be used on the roof. The windows and doors will be constructed of UPVC double glazed casement style in a similar appearance and design to those existing. Therefore, it is considered that the proposed finish materials to be used in the development are considered acceptable in respect to their appearance within the local streetscape.

### 5.3 Amenity

Policy 10 of the Aligned Core Strategy states that development will be assessed in terms of the impact on the amenity of nearby residents or occupiers. Policy 17 of the Part 2 Local Plan 2019 states that any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.

The submitted plans show a two bedroomed four-person single storey property and would utilise the majority of the garden of the existing property. As such 79 Chewton Street would finish with minimal amenity space and only a small area of garden ground, and result in an awkward layout. This reduced amenity ground is considered unacceptable to the occupiers of 79 Chewton Street.

The proposed bungalow would be overlooked by the existing property within the site (79 Chewton Street). There are upper floor bedroom windows that would be in close proximity to the proposed boundary between the properties. This would provide an unacceptable negative impact on the amenity of the proposed property especially with the direct views down into the private amenity space of the bungalow and would therefore be contrary to policy and be unacceptable.

Given the proposed houses location on the site and its relationship with the neighbouring houses it is considered that there will be no additional loss of sunlight/daylight to the surrounding neighbouring amenity spaces.

### 5.4 Access

Policy 17 of the Part 2 Local Plan 2019 states that planning permission will be granted for new development that provides sufficient, well-integrated parking and safe and convenient access.

The application is for a two bedroomed property and includes the creation of one onsite parking space. Given the size of the property it is considered that there will be adequate parking for the proposed dwelling. Given the sites location centrally on the single track public road it is considered that there is no available space on the roadside to allow any additional parking to be accommodated.

The proposed access is located just over 40m from the road junction and with the geometry of the road it is considered that visibility there are no issues raised in terms of road safety from the proposed access.

This is a very busy area at school times given the sites close proximity to the nearby Primary School. Many parents use this and nearby roads as parking for drop of and pick up of children. Given this an approval would need to be conditioned to ensure that there are no deliveries of materials to the site at drop off or collection times for the school.

Highways were consulted on the application and raises no objection in terms of road safety impact from the proposal.

5.5 **Coal Authority**

The site falls within an area where records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. A Coal Mining Assessment was submitted as part of the application which identifies a coal seam and outcrops within the context of the site. Given the potential of impacts from the coal seam conditions have been requested by the Coal Authority with regards to pre commencement site investigations and any mitigation measures or remediation works required and also the submission of a safety declaration being provided prior to occupation of the building confirming that the site is safe and stable.

6. Conclusion

The proposal fails to demonstrate that the erection of the property can be provided without having an unacceptable incongruous visual impact on the surrounding streetscape or affecting the amenity of the neighbouring property and the occupiers of the proposed property. All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations and planning permission will be refused.

<b><u>Recommendation</u></b>	
<b>The Committee is asked to RESOLVE that planning permission be refused for the following reasons:</b>	
<b>1.</b>	<b>The proposal by virtue of its scale and massing and the small site of the plot is considered to be contrary to the local vernacular and settlement pattern and also constitutes overdevelopment of the site. Consequently, the development would be contrary to Policies 8 and 10 of the Broxtowe Aligned Core Strategy 2014, and Policies 15 and 17 of the Part 2 Local Plan 2018.</b>
<b>2.</b>	<b>Due to the small scale of the building the internal living space is restrictive and does not meet the minimal dimensions required as specified within the Technical housing standards – nationally described space standard. Consequently, the development would be contrary to Policy 8 of the Broxtowe Aligned Core Strategy 2014, and Policy 15 of the Part 2 Local Plan 2018.</b>
<b>3.</b>	<b>The proposal by virtue of its limited amenity space and reduced amenity space to 79 Chewton Street would adversely affect the living conditions of the occupiers of no 79 Chewton Street in terms of outlook, and the living conditions of the future occupiers of the proposed bungalow with regard to adverse impact on the proposed</b>

	<p>bungalow and the existing house. Consequently, the development would be contrary to Policy 10 of the Broxtowe Aligned Core Strategy 2014, and Policy 17 of the Part 2 Local Plan 2018.</p>
4.	<p>The proposal will have an unacceptable impact on the amenity of the proposed occupiers of the building from neighbouring properties by virtue of the distance to boundaries of the neighbouring properties windows creating an overlooking issue onto the amenity spaces of the proposed property. Consequently, the development would be contrary to Policy 10 of the Broxtowe Aligned Core Strategy 2014, and Policy 17 of the Part 2 Local Plan 2018.</p>
	<p>NOTES TO APPLICANT</p>
1.	<p>The Council has tried to act positively and proactively in the determination of this application, however it was not considered that there were any alterations which could be made to the scheme to make the proposal acceptable.</p>

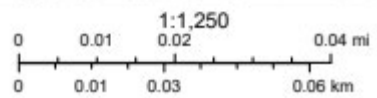


Location Plan

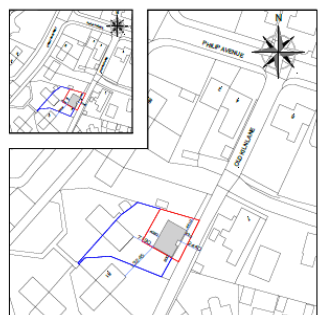
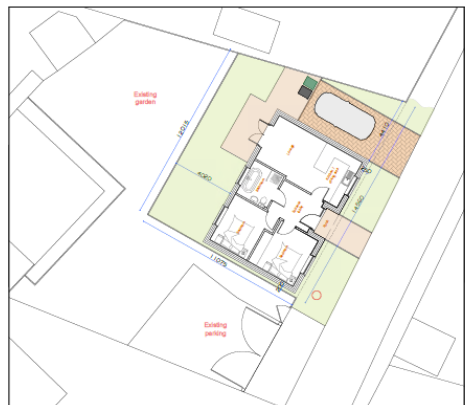
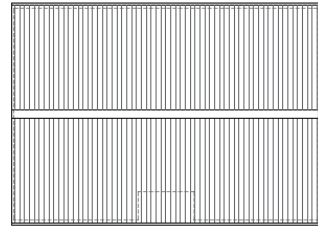
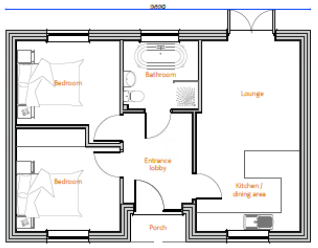
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Plans



SITE ADDRESS:  
Land of 40/10 Lane  
Epsom  
Middlesex

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PROPOSED WORK:  
Conversion of existing building  
to a 2 storey TDH  
Proposed layout, elevations, floor levels, etc.  
with a location plan

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SHEET NO 01/10

SCALE: 1/50, 1/50, 1/50, 1/50 @ A1

Photographs

