

Report of the Chief Executive

<b>APPLICATION NUMBER:</b>	<b>23/00659/FUL</b>
<b>LOCATION:</b>	<b>Land at 196 Cator Lane, Chilwell, Nottinghamshire, NG9 4BE</b>
<b>PROPOSAL:</b>	<b>Construct detached bungalow</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 1½ storeys detached brick built property located centrally on a large plot off Cator Lane. The house is located centrally on the plot with an ancillary building located to the west. There is a drive and large grassed garden area to the front (west) of the property with a large area of garden and detached garage to the rear (east) of the property.

3.2 In regards to neighbouring properties the site is located in a built up residential area of Chilwell with an adjacent neighbour to the south (194 Cator Lane) and also an immediate commercial neighbour to the north (198 Cator Lane) in the process of being converted from commercial to residential. 170 Cator Lane is located to the west on the opposite side of the public road and with 1-12a Park View located to the east of the site linked by the rear garden to the flats access and parking area.

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 subdivision of the rear garden of 196 Cator Lane and for the erection of a single storey detached bungalow. The bungalow measures 9.9m by 8m and with a ridge height of 5.4m.

2. Site and surroundings

- 2.1 The application site consists of 1½ storeys detached brick built property located centrally on a large plot off Cator Lane. The house is located centrally on the plot with an ancillary building located to the west. There is a drive and large grassed garden area to the front (west) of the property with a large area of garden and detached garage to the rear (east) of the property.
- 2.2 In regards to neighbouring properties the site is located in a built up residential area of Chilwell with an adjacent neighbour to the south (194 Cator Lane) and also an immediate neighbour to the north (198 Cator Lane) in the process of being converted from commercial to residential. 170 Cator Lane is located to the west on the opposite side of the public road and with 1-12a Park View located to the east of the site linked by the rear garden to the flats access and parking area.

3. Relevant Planning History

- 3.1 No Relevant Planning History Found

4. Relevant Policies and Guidance

## 4.1 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

## 4.2 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

## 4.3 National Planning Policy Framework (NPPF) 2023

- Part 2 - Achieving Sustainable Development.
- Part 4 - Decision-making.
- Part 5 - Delivering a sufficient supply of homes

- Part 12 - Achieving well-designed places

## 5. Consultations

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

- Councillor H Facio – No Comments Received
- Councillor R S Falvey – No Comments Received
- Councillor P Smith – No Comments Received
- Councillor M Radulovic – Request was made to Cllr Radulovic for the application be called into committee

### 5.2 **Consultees:**

- Highways – No Objection
- Environmental Health – No Objection subject to Informatives being added regarding working hours, the burning of waste and a condition requiring a construction/demolition statement being submitted prior to works commencing.
- Environment Services – Comments received with regards to waste bin requirements.

### 5.3 **Neighbours:**

- Eighteen neighbours were consulted on the application with one general comment and three objections being received from neighbouring properties and no comments received from any third parties. The comments received are as follows:
  - Clarification on the submitted plans,
  - Loss of Trees,
  - Overlooking,
  - Separation distance between proposal and neighbouring property,
  - Bungalow not in keeping with surrounding development,
  - Intensification of access,
  - Refuse Collection,
  - No Requirement for an additional property,
  - Loss of Privacy,
  - Lack of landscaping details.

## 6. Assessment

### 6.1 **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 neighbouring amenity.

## 6.2 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 proposal is for a single storey detached bungalow within the rear garden of a 1½ storey detached property. The area is made up of a mix of single storey and two storey properties with the adjacent site to the north having a live permission on it for the conversion of the building into ten flats and two blocks of flats directly to the east. Given the mix of housing types within close proximity to the house an additional single storey property within the area would not look out of place in the context of the local vernacular.

The proposed bungalow will constitute the subdivision of an existing planning unit with a garden ground development. The site to the north is currently being redeveloped into ten flats, the site to the east is currently occupied by two blocks of flats with thirteen flats on one unit and five within the adjacent unit. To the south and west of the proposal are existing residential properties. Although an additional single storey property would not look out of character design wise the introduction of a further residential building in this location is considered to be an over development of the site when the cumulative impact of the surrounding buildings are all taken into account.

The proposed property is small in footprint and was submitted with an internal floor area of only 67m<sup>2</sup>. The property was contrary to the 'Technical housing standards – nationally described space standards'. The agent consequently increased the floor area to 70.5m<sup>2</sup>. this brought the property in line with the guidance but has subsequently amplified the issues with regards to the overdevelopment of the site.

Information submitted on the application form indicates that the finish materials of the proposed property will match that of the parent house with facing bricks used in the construction of the walls and concrete 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 house. 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.

### 6.3 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 196 Cator Lane would finish with minimal amenity space and only a small area of garden ground. This reduced amenity ground is considered unacceptable to the occupiers of 196 Cator Lane.

The proposed bungalow would be overlooked by the existing property within the site (196 Cator Lane). There is an upper floor bedroom window 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 location of the bungalow within the existing site and its relationship with the neighbouring houses along with its single storey design it is considered that there will be no additional loss of sunlight/daylight to the surrounding neighbouring amenity spaces.

### 6.4 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.

A new access is proposed from Park View into the site. This road currently serves two existing blocks of flats. The access point is proposed close to the existing parking spaces for the flats but is considered to have no negative impact on the parking area and will create no reduction in the parking area in question. The visibility onto Park View is considered acceptable and raises no concerns in terms of road safety.

The proposal is for a two bedroomed property. It is considered that there is ample space proposed to allow for onsite parking of two vehicles. Given these points it is considered that the proposed access and parking for the property are considered acceptable.

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

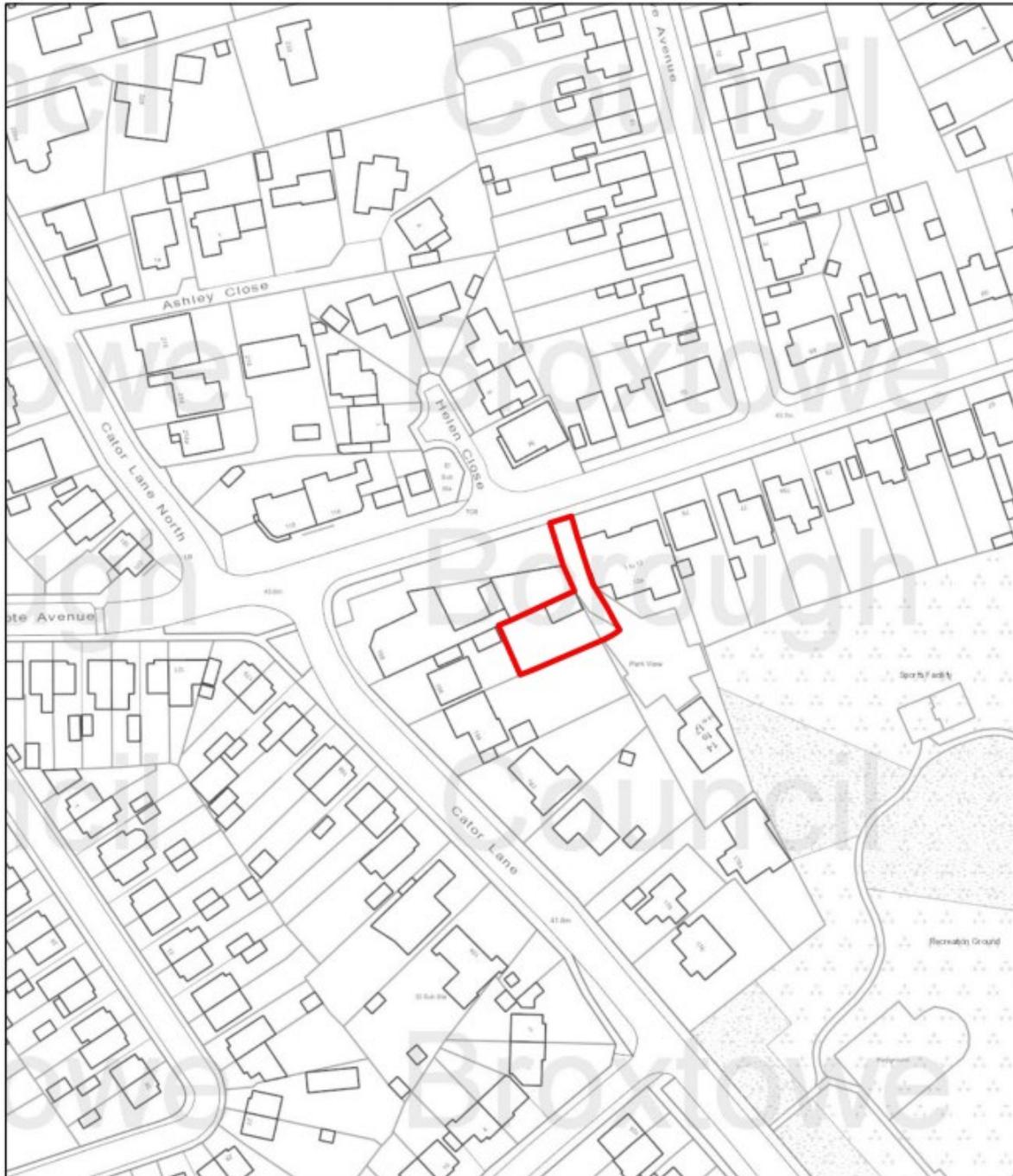
7 Conclusion

The proposal fails to demonstrate that the erection of the property can be provided without 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.

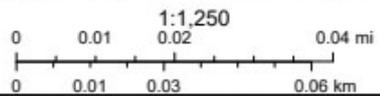
<b><u>Recommendation</u></b>	
<b>The Committee is asked to RESOLVE that planning permission be refused subject to the following conditions.</b>	
<b>1.</b>	<p><b>The proposal by virtue of its scale and massing and the small site of the plot is considered to be contrary to the local vernacular and settlement 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></p> <p><b>The proposal by virtue of its limited amenity space and reduced amenity space to 196 Cator Lane would adversely affect the living conditions of the occupiers of no 196 Cator Lane in terms of outlook, and the living conditions of the future occupiers of the proposed bungalow with regard to adverse impact on the proposed 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.</b></p> <p><b>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.</b></p>
<b>NOTES TO APPLICANT</b>	
<b>1.</b>	<b>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.</b>

Location Plan

23/00659/FUL Land at 196 Cator Lane



10/17/2023, 11:21:39 AM





Photographs

