

Report of the Chief Executive

APPLICATION NUMBER:	24/00162/FUL
LOCATION:	187A Nottingham Road, Nuthall, NG16 1AE
PROPOSAL:	Construct outbuilding to rear garden

1. Purpose of Report

The application is brought to the Committee at request of Councillor P J Owen.

The application seeks planning permission for the construction of an outbuilding within the rear garden.

2. Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to conditions outlined in the Appendix.

3. Detail

3.1 The application seeks planning permission for the construction of an outbuilding to the rear garden.

3.2 The dwelling is an extended two storey detached dwelling located north of Nottingham Road and to the south of the A610.

3.3 The main issues relate to whether or not the principle of the development would be considered to be too over-intensive for the site context and have an amenity impact on neighbours.

3.4 The benefits of the proposal are that it would provide enhanced amenity space for the occupiers. The negative impact is the size of the development.

3.5 The Committee is asked to resolve that planning permission be approved.

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 any costs and income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106 (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 Nil.

Appendix

1. Details of the application

- 1.1 The application seeks to construct an outbuilding in the rear garden of 187A Nottingham Road.
- 1.2 The proposed outbuilding will be located at the rear of the garden and will be accessed by way of a new patio and seating area. It will house a bar room, cinema, toilet and gym. The building will have a width to the west elevation of 6m, extending across the rear of the site by 17.6m. The outbuilding will extend outwards from the front by 1.6m to create an entranceway with a width of 6m. The proposed ridge height will be 4.6m with an eaves height of 2.3m. The proposed outbuilding will lie 12m from the main dwelling. There will be 300mm distance to each side boundary from the side of the proposed outbuilding.

2. Site and surroundings

- 2.1 The property is a detached house, with a white render and brick finish. The house has had a single storey and two storey extension with patio and later a side/rear extension with external works to include electric gates and raised porch to rear.
- 2.2 The site slopes downwards towards the rear boundary.
- 2.3 To the west is number 187 Nottingham Road, which is a semi-detached brick and rough cast render dwelling.
- 2.4 To the east is number 189 Nottingham Road, which is a detached two storey brick dwelling.
- 2.5 There are no dwellings directly north of the site as this is where the A610 road is located.

3. Relevant Planning History

- 3.1

17/00085/FUL	Construct single storey and two storey extensions with rear raised patio	PERC
17/00365/FUL	Construct side and rear extensions, including demolition of garage, external works include a redesigned driveway with the addition of electric gates/ and raised porch to the rear, finished flush with	PERC

the existing internal ground floor level (revised scheme)

4. Relevant Policies and Guidance

4.1 **Broxtowe Aligned Core Strategy 2014:**

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

- 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 17 – Place-making, Design and Amenity.

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

- Section 2: Achieving Sustainable Development
- Section 4: Decision – making
- Section 12: Achieving well-designed places

5. Consultations

5.1 A total of two neighbours have been consulted with one objection received based on the proposed outbuilding being too large and causing loss of light, noise disturbance, loss of privacy and a sense of enclosure.

5.2 There were no internal/external consultees contacted with regard to this application.

5.3 Councillors & Parish/Town Councils:

- Councillor P J Owen – requested application be heard at committee
- Councillor G S Hills – no comment received
- Nuthall Parish Council – no comment received

6. Assessment

6.1 Principle

6.1.1 The main issue for consideration is whether or not the principle of development would constitute an over-intensification of the site.

6.2 Design and scale

- 6.2.1 Policy 10 (d and e) states that massing, scale, proportion, materials, architectural style and detailing will be considerations when assessing development.
- 6.2.2 The proposed outbuilding will be located at the rear of the garden and will be accessed by way of a new patio and seating area. It will house a bar room, cinema, toilet and gym. The building will have a width to the west elevation of 6m, extending across the width of the rear of the site by 17.6m. The outbuilding will extend forwards at the front by 1.6m to create an entranceway with a width of 6m. The proposed ridge height will be 4.6m with an eaves height of 2.3m. The proposed outbuilding will lie 12m from the main dwelling. There will be 300mm distance to each side boundary from the side of the proposed outbuilding.
- 6.2.3 Information provided on the submitted plans and application form indicates that the outbuilding will be through-coloured render finished, to match the walls of the existing dwelling, with grey concrete roof tiles to match the existing house and grey coloured aluminium bi-fold doors with grey upvc windows.
- 6.2.4 It is considered that the design is acceptable, it being set back from the existing dwelling and incorporated into lower ground levels, and it will not appear too dominant. It will not be visible to any significant degree from the public highway.

6.3 Amenity

- 6.3.1 Policy 10 (f) states that the impact of a development on neighbour amenity will be a consideration. Policy 17 (4d) states that development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.
- 6.3.2 It is considered that the occupants of the neighbouring property to the west, should be minimally impacted. The proposed outbuilding will be over 17m away from their dwelling and its height and position on a lower land levels means any overlooking; loss of light or privacy is unlikely.
- 6.3.3 It is considered that the immediate neighbour to the east should be minimally impacted. The proposal will be located 13m away and it is considered that its single storey height and position set-down will reduce the risk of loss of light, privacy or overlooking.
- 6.3.4 North of the site is the A610 and as such the impact to the north of the site should be minimal.

6.4 Highway Safety

6.4.1 There is existing vehicular access to the site and there are no proposed changes to this arrangement.

7. Planning Balance

7.1 Whilst acknowledging that the proposed outbuilding is of a large size, it is nonetheless considered to be acceptable in terms of design, amenity and access.

8. Conclusion

8.1 It is concluded that, having regard to the relevant policies of the Local Plan, national planning guidance and to all other material considerations including the Public Sector Equality and comments raised in representations received, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that the Head of Planning and Economic Development be given delegated authority to grant planning permission subject to:</p> <p>(i) the following conditions:</p>	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p>Reason</p> <p><i>To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with the Site Location Plan (1:1250), Proposed Site Section Plan and Proposed Floor Plan and Elevation Plan received by the Local Planning Authority on 13 March 2024 and in accordance with the Proposed Block Plan (1:200) received by the Local Planning Authority on 20 March 2024.</p>

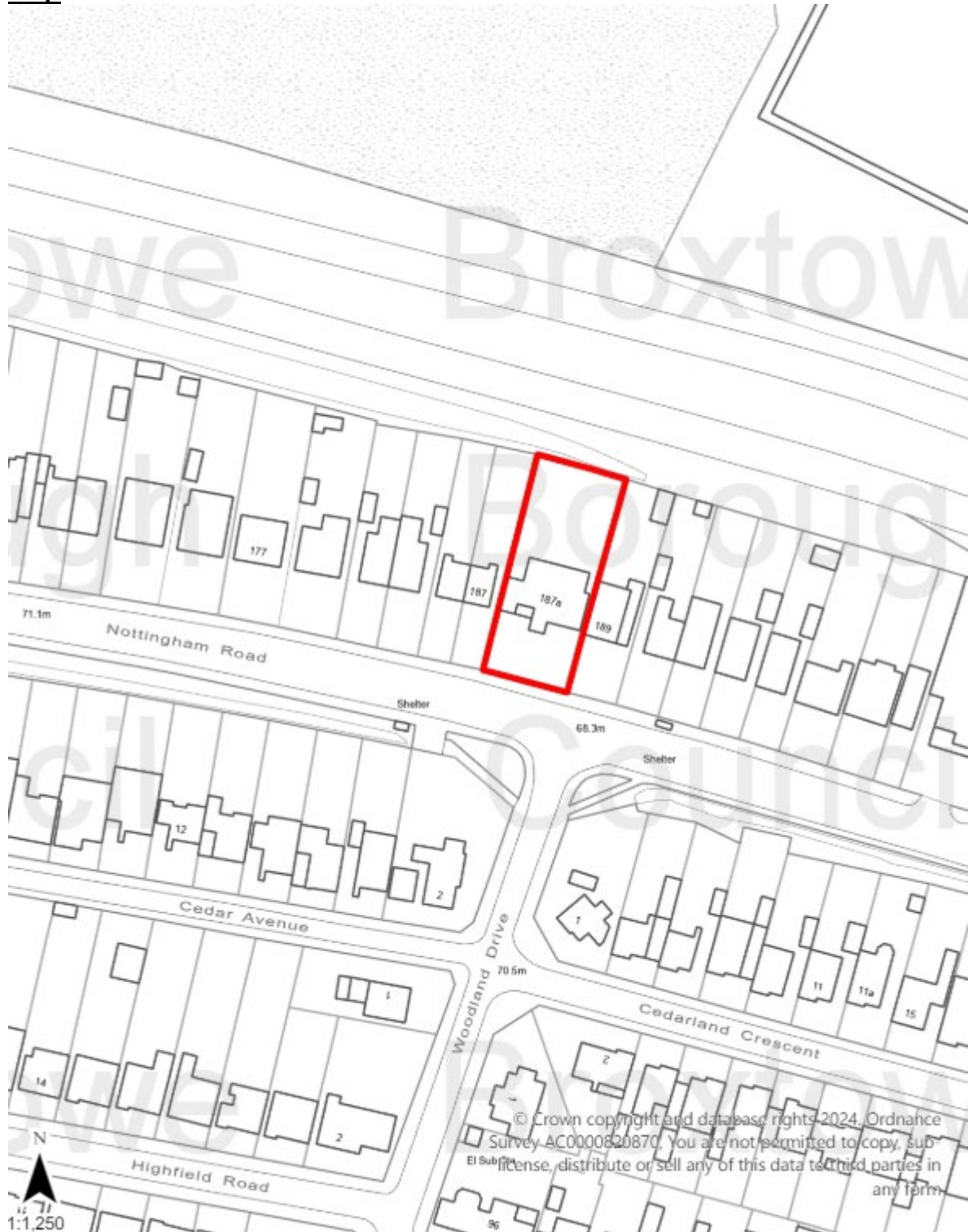
	<p>Reason</p> <p><i>For the avoidance of doubt.</i></p>
3.	<p>The proposed outbuilding in rear garden shall be constructed using the materials annotated on the application form received by the Local Planning Authority on 13 March 2024.</p> <p>Reason</p> <p><i>To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
4.	<p>The ancillary building hereby approved shall be used solely for purposes incidental to the enjoyment of the dwellinghouse, and for no other purpose or use.</p> <p>Reason</p> <p><i>To prevent any negative impact on amenity of neighbouring properties and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
	NOTES TO APPLICANT
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>
2.	<p>The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.</p> <p>Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be</p>

avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Map



Photographs



Plans (not to scale)

Floor Plan

Section S-01

Front (South) Elevation

Rear (North) Elevation

Side (West) Elevation

Side (East) Elevation

Notes:

- A Building Control application is required prior to commencement of works, when via a Building Notice or a Full Plan application. Please contact us at 0116 2545 024 for further information.
- All structural designs to be carried out by Structural Engineer. Calculations to be checked and approved by Building Control prior to commencement of works.
- The Party Wall Act may apply where proposed works are on or close to a boundary. The Party Wall Act requires the adjacent owner to be notified and consent is required under the Act prior to start. This should be carried out in the required notice period before commencing any works on site.
- High pressure water jetting is required for all external walls.
- Building over or close to a public or private sewer from a SUDS Catchment is required to be carried out in South West Yorks. Please Contact South West Yorks Sewerage Office for further details - 0116 2545 024.