

**Appendix 1**

8. Details of the application

8.1. The application seeks permission to construct a two storey extension to the side (south) elevation of the existing dwelling creating an enlarged kitchen/dining room, a new ground floor toilet and utility rooms and first floor ensuite shower and bedroom.

9. Site and surroundings

9.1. The application site consists of a two storey semi-detached dwelling with a brick finish to all the elevations and a tiled roof, with a porch constructed to the front (west) elevation of the original dwelling. There is an outbuilding located on the side (south) boundary within the rear (east) garden of the application site.

9.2. The existing semi-detached dwelling is adjoined to adjacent neighbouring property 30 Broad Oak Drive, located north of the application site. The proposed two storey side extension would be located on the side (south) elevation of the existing dwelling. The proposed two storey side extension would be located adjacent to neighbouring property 26 Broad Oak Drive, located south of the application site. The adjacent road, Broad Oak Drive, is located west of the application site. The application site is located within the Coal Referral Area.

10. Relevant Planning History

10.1. No relevant planning history post 1974.

11. Relevant Policies and Guidance

11.1. **Broxtowe Aligned Core Strategy 2014:**

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

- Policy 10: Design and Enhancing Local Identity

11.2. **Part 2 Local Plan 2019**

The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 17: Place-making, Design and Amenity

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

- Section 2: Achieving sustainable development

- Section 4: Decision-making
- Section 12: Achieving well designed places

## 12. Consultations

12.1. No comments from technical consultees are required for this application.

12.2. Six neighbouring properties were consulted on the application and five responses were received. One response was in support of the application, one response was neutral and three responses objected to the development proposal.

12.3. The concerns raised in the responses received can be summarised as below:

- Concern the proposal will create a sense of enclosure.
- Concern the proposal will result in loss of daylight/sunlight.
- Out of character within the surrounding area – corner this will set a precedent and create a terraced effect.
- Loss of privacy/overlooking.
- Lose right to extend their own property.
- Impact on the environment and natural spring.
- NCB constraints.
- Do not give permission to access their land for any building or erecting scaffolding.
- Concern that matching brick will not be used on proposed development.
- Concern in regard to traffic generation and parking.
- Concern in regard to where skips will be placed during construction.
- Concern in regard to noise, disturbance, dust and dirt created during construction.
- Lack of communication prior to submitting plans to the Local Planning Authority.
- Concern in regard to potential damage to their brickwork and fence panels during construction.
- Will not allow access on their roof for any potential soffits and fascias being replaced.
- Boundary dispute.
- Concern a wind tunnel will be created, plus added noise.
- Concern they will have to use extra energy and money to light the right side of their property.

12.4. Councillor Elizabeth Williamson was consulted on the application and requested for the application to go to Planning Committee as neighbouring property has raised concerns in regard to access, loss of light, loss of bat habitat, underground stream. Brinsley Parish Council were consulted on the application, with no comments received.

- 12.5. Once amended plans were received, all neighbouring properties & contributors, including Councillor Elizabeth Williamson were re-consulted for a period of seven days, with the re-consultation period expiring on 10 July 2024. One response has been received so far from neighbouring properties during the re-consultation period, which objected to the development proposal.

### 13. Assessment

- 13.1. The main issue relates to whether the principle of the proposed two storey side extension is acceptable. Considerations in regard to design, neighbour and occupier amenity and the impact upon access (highway safety) impact will also be assessed as part of the report.

#### 13.2. **Principle**

- 13.3. It is considered once amended plans were received, the principle of the proposed development is now considered acceptable. Considerations in regard to design, neighbour amenity and access (highway safety) will be addressed below.

#### 13.4. **Design**

- 13.5. Policy 10 of the Aligned Core Strategy states that development will be assessed in terms of massing, scale and proportion, materials and the impact on the amenity of nearby residents or occupiers. Policy 17 of the Part 2 Local Plan 2019 states that extensions 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.
- 13.6. It is considered once amended plans were received, the massing, scale, height and design of the proposed two storey side extension is acceptable. This is because the amended plans show the proposed two storey side extension will now be set back from the existing front elevation of the dwelling by 0.5m. This is considered to be an improvement to what was originally proposed as the two storey side extension was to be only set back 0.23m from the original front elevation of the dwelling. Hence, it is now considered the proposed two storey side extension will appear as subservient in regards to the existing dwelling, is unlikely to dominate the existing dwelling and appear over-prominent in the street scene.
- 13.7. In addition to this, the ridge height of the proposed two storey side extension will be set lower than the ridge height of the existing dwelling, therefore, is considered to appear as subservient in regards to the existing dwelling and is unlikely to appear over-prominent in the adjacent street scene. The proposed two storey side extension will have a proposed width of 2.7m, which is not

considered to be a disproportionate addition which would result in an incongruous feature in regards to the existing dwelling. It must also be noted the amended plans have changed the originally proposed two ground floor windows into one ground floor window. This is considered to be an improvement in design as the one ground floor window matches the style of the existing windows of the dwelling, hence will no longer appear as incongruous.

13.8. The proposed two storey side extension will be constructed using brick to match the existing dwelling and concrete tile to match the existing dwelling which is considered acceptable. To conclude, the proposed two storey side extension is considered to reflect an acceptable level of design.

### 13.9. **Neighbour Amenity**

13.10. Policy 10 of the Aligned Core Strategy (2014) states that impact on the amenity of nearby residents or occupiers will be a consideration. 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.

13.11. There were five responses received in respect of the proposed development, which included three objections. The concerns raised in the responses received are noted in the neighbour consultation section of the appraisal above.

13.12. Firstly, it is considered overlooking and loss of privacy are unlikely to occur to adjacent neighbouring property 26 Broad Oak Drive located south of the application site. This is because there are no windows in the proposed side (south) elevation which will face towards 26 Broad Oak Drive, hence, overlooking and loss of privacy is unlikely to occur from this elevation. The first floor window in the rear (east) elevation will be obscurely glazed, therefore, it is considered overlooking and loss of privacy is unlikely to occur to the rear garden of adjacent neighbouring property 26 Broad Oak Drive.

13.13. It is considered a significant sense of enclosure and loss of light are unlikely to occur to adjacent neighbouring property 26 Broad Oak Drive, located south of the application site. This is because the corresponding side elevation of 26 Broad Oak Drive which will face towards the proposed two storey side extension has an obscurely glazed door on the ground elevation and one window at first floor level. The window at first floor level appears to serve the stairway/first floor landing, therefore, it is considered a habitable room is unlikely to be impacted. In addition to this, the proposed two storey side extension will be set 3.3m away from the corresponding side elevation of 26 Broad Oak Drive and the dwelling of 26 Broad Oak Drive is set on a higher land level compared to where the proposed two storey side extension will be located. Therefore, it is considered a significant impact in terms of sense of enclosure and loss of light is unlikely to occur.

- 13.14. It is considered overlooking and loss of privacy are unlikely to occur to adjacent neighbouring property 30 Broad Oak Drive, located north of the application site. This is because it is considered no glazed openings included as part of the proposed two storey side extension will face towards adjacent neighbouring property 30 Broad Oak Drive, therefore, making overlooking and loss of privacy unlikely to occur. The proposed two storey side extension would be located on the side (south) elevation of the dwelling, whilst adjacent neighbouring property 30 Broad Oak Drive is located on the side (north) elevation of the dwelling. Therefore, it is considered a sense of enclosure and loss of light are unlikely to occur to 30 Broad Oak Drive which is located on the opposite (north) elevation of the dwelling to where the proposed two storey side extension would be located on the side (south) elevation.
- 13.15. It is considered an impact upon the amenity of adjacent neighbouring properties 130 Broad Lane and 132 Broad Lane located north-east of the application site is unlikely to occur. This is because there will be a significant separation distance between the aforementioned properties and the proposed two storey side extension, therefore, making an impact upon their amenity unlikely to occur.
- 13.16. It is considered an impact upon the amenity of adjacent neighbouring properties 35 Broad Oak Drive and 37 Broad Oak Drive located south-west of the application site is unlikely to occur. This is because there will be a significant separation distance between the aforementioned properties and the proposed two storey side extension, therefore, making an impact upon their amenity unlikely to occur.
- 13.17. To conclude, it is considered the proposed development is acceptable in terms of impact upon the amenity of neighbouring properties.
- 13.18. Access (Highway Safety)**
- 13.19. Policy 17 of the Broxtowe Local Plan Part 2 (2019) states that development (including fences, walls and other structures) should not cause risk to pedestrians or road users by reducing visibility for drivers when entering or exiting the driveway. It is considered due to the location of the proposed extension to the side of the existing dwelling and set away from the adjacent road, Broad Oak Drive, an impact in terms of reduced visibility is unlikely to occur.
- 13.20. It is noted there will be a reduction in front driveway parking space with the proposed addition of the two storey side extension. However, it is considered there will still be sufficient parking space available to provide at least 2 off-road

parking spaces, which is considered to be acceptable in terms of proposed highway safety impact.

13.21. To conclude, it is considered the proposed development is acceptable in terms of access (highway safety) impact.

#### 13.22. **Other**

13.23. Included in the concerns raised in the representations received were the following issues:

- Lose right to extend their own property.
- Impact on the environment and natural spring.
- Do not give permission to access their land for any building or erecting scaffolding.
- Concern in regard to where skips will be placed during construction.
- Concern that matching brick will not be used on proposed development.
- Concern in regard to noise, disturbance, dust and dirt created during construction.
- Lack of communication prior to submitting plans to the Local Planning Authority.
- Concern in regard to potential damage to their brickwork and fence panels during construction.
- Will not allow access on their roof for any potential soffits and fascias being replaced.
- Boundary dispute.
- Concern a wind tunnel will be created, plus added noise.
- Concern they will have to use extra energy and money to light the right side of their property.

13.24. It is considered the above concerns are not material planning considerations, therefore, cannot be taken into account in the assessment of the application. In regard to NCB constraints a coal NTA will be applied on any subsequent decision notice.

#### 14. Planning Balance

14.1. The benefit of the proposal is that there will be an increase in the amount of floorspace available to the occupiers of the dwelling. Once amended plans were received, the proposal is now considered to reflect an acceptable level of design for the reasons outlined above. The proposal is considered unlikely to result in a significant impact upon the amenity of any of the adjacent neighbouring properties for the reasons outlined above. A negative impact of the proposal is there will be a reduction in front driveway parking space, however, it is considered this will not result in an unacceptable impact upon the highway safety of the occupiers of the site and adjacent neighbouring properties for the reasons outlined above.

14.2. Taking all of the above into account, it is considered, on balance, the proposal is acceptable and conditional planning permission should be granted.

15. Conclusion

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

<b><u>Recommendation</u></b>	
<b>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:</b>	
<b>1.</b>	<p><b>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</b></p> <p><i>Reason: 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>
<b>2.</b>	<p><b>The development hereby permitted shall be carried out in accordance with the plans</b></p> <p><b>Received by the Local Planning Authority on 3 April 2024:</b></p> <ul style="list-style-type: none"> <li>• <b>Site Location Plan (1:1250)</b></li> </ul> <p><b>Received by the Local Planning Authority on 28 June 2024:</b></p> <ul style="list-style-type: none"> <li>• <b>Amended Floor Plans (1:40), Roof Plan (1:50) &amp; Elevations (1:40) (Drawing Number: 052-A1-001, Revision: D)</b></li> </ul> <p><b>Received by the Local Planning Authority on 1 July 2024:</b></p> <ul style="list-style-type: none"> <li>• <b>Amended Block Plan (1:500) (Revision: B)</b></li> </ul> <p><i>Reason: For the avoidance of doubt.</i></p>
<b>3.</b>	<p><b>The two storey side extension shall be constructed using materials as noted on the submitted planning application form received by the Local Planning Authority on 3 April 2024.</b></p>

<b><u>Recommendation</u></b>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:	
	<i>Reason: 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>
<b>NOTES TO APPLICANT</b>	
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
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 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:</p> <p><a href="http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries">www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries</a></p> <p>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</p>



<b><u>Recommendation</u></b>	
<b>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:</b>	
	<b>purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.</b>
	<b>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:</b> <b><a href="http://www.gov.uk/government/organisations/the-coal-authority">www.gov.uk/government/organisations/the-coal-authority</a></b>