

Report of the Chief Executive

APPLICATION NUMBER:	24/00403/FUL
LOCATION:	181 Nottingham Road, Nuthall
PROPOSAL:	Construct a single storey side/rear extension, front porch and rear timber deck

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

1. **Purpose of the Report**

1.1 The application seeks planning permission to retain alterations to the single storey side / rear extension which was approved under planning reference 23/00627/FUL, to retain a rear timber deck and to construct a single storey front extension.

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 full planning permission to construct a single storey front extension, to retain alterations made to the rear extension to create an open plan lounge/kitchen and downstairs shower room and to retain a rear timber deck.

3.2 The application site consists of a two storey semi-detached dwelling with a drive way and garden area to the front and a garden to the rear. The dwelling is located in a residential area with a mix of two storey and single storey properties.

3.3 In regard to neighbouring properties, the site is located in a built up residential area of Nuthall with adjacent neighbours to the east (no.183 Nottingham Road) and to the west (no.179 Nottingham Road).

3.4 The benefits of the proposed work are that it would extend an existing residential dwelling, would improve the property to the benefit of the occupants, the extension would have an acceptable design, would have an acceptable scale, would not have a significant negative impact on neighbour amenity, and would be in accordance with the policies contained within the development plan. There are considered to be no negative impacts.

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 This application seeks planning permission to construct a single storey front extension, retain a side and rear extension following the demolition of the existing conservatory and rear garage, and to retain a decking area to the rear. The extension, as built, has a depth between 5.5m and 7.1m (as approved) with a total width of 7.4m (0.2m narrower). The extension has a flat roof with a slight inclination with a ridge height of 3.4m (0.2m higher than approved) and an eaves height of 3.2m. The roof has a pyramidal roof lantern (bringing the total height to 3.4m). The rear elevation has a window and bi-folding doors, the east (side) elevation is blank and the west (side) and front elevations has a window serving the downstairs shower room.
- 1.2 The porch would have a depth of 1.8m and a width of 2.5m. It would have a gable roof with a ridge height of 3.3m and an eaves height of 2.4m. The side elevations would have full height lights. The front elevation would have a door with full side lights on either side.
- 1.3 The rear decking adjoins the single storey rear extension, has a depth of 3.2m and a width of 8.2m. There is a significant drop in level at the rear of 0.6m, (stepped down, rather than sloped from south to north) and then slopes down in the same direction towards the rear boundary with the A610. Given the difference in levels to the rear, the section of the decking adjoining the rear extension has a height between 0.3m - 0.4m (beside no.179 and no.183 respectively) and 0.6 toward the end.

2. Site and surroundings

- 2.1 The application site is located within a predominantly residential area and consists of a two storey semi-detached house with a hip roof. The materials are red bricks, white render and dark roof tiles. The property has an existing single storey rear extension with lean-to roof. The rear garden is relatively generous with a length of 22m and is bound to the north by the A610.
- 2.2 To the front, the site slopes up from south to north. There is a drop in level at the rear of 0.6m (stepped down, rather than sloped from south to north, and then slopes down towards the rear boundary with the A610). At the front there is a paved driveway partially open to Nottingham Road with parking space for three vehicles.
- 2.3 No.179 Nottingham Road is a detached bungalow situated to the west of the application site. This property is at higher level than no.181 by approximately 0.8m, and has two windows on the side elevation facing the application site. The common side boundary is formed by a 0.8m high block wall with a 1.4m high fence above. The common rear boundary is a 1.5m high fence.

2.4 No.183 Nottingham Road is the adjoining two storey dwelling situated to the east of the application site. This property has a single storey rear extension and a rear conservatory. There is an outbuilding in the rear garden along the boundary with no.185 which has a length of approximately 5.7m. This property also has a decking area to the rear of the conservatory located 0.7m above the lower garden. The common rear boundary is a 1.7m high fence which decreases to 1.5m high towards the rear.

3 Relevant Planning History

3.1 The application property has planning permission for a rear conservatory (10/00122/FUL). The site also has planning permission to construct a single storey side and rear extension (23/00627/FUL) which has been implemented.

4 Relevant Policies and Guidance

4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

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

- Policy A: Presumption in Favour of Sustainable Development
- Policy 10: Design and Enhancing Local Identity

4.2 **Part 2 Local Plan 2019:**

4.2.1 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 Two properties either adjoining or adjacent to the site were consulted and two responses were received. One comment raising no objections, supporting and stating that have no problems with the development in terms of design, loss of privacy, daylight or noise.

One response raised objections for the following reasons:

- Height of the extension is not acceptable

- Loss of privacy due to new decking area
- Sense of enclosure
- Loss of light
- Damage to property
- Unfinished building works

6. Assessment

- 6.1 The main issues relate to whether the design and scale of the development would be acceptable, and whether there would be an unacceptable impact on neighbour amenity.
- 6.2 In terms of mass and scale, it is considered that the development as built (the height has increased by 0.2m), does not represent a disproportionate addition and will appear subservient to the main dwelling as the single storey rear extension is situated in a similar position to the previous rear conservatory and occupies part of the space of the garage. It is considered that because the extension is single storey, has a flat roof and would not significantly reduce the size of the application property's rear garden, the scale is acceptable. The porch is a small addition to the dwelling as it only adds 4.5 square metres to the existing dwelling, therefore is considered to be a relatively minor addition. The deck is replacing the existing raised patio which had a depth of 3m and a width of 3.9m
- 6.3 In terms of design, the rear extension is considered acceptable for a contemporary single storey side/rear extension not readily visible from the street. The development has been designed to provide an enhanced kitchen space for the occupiers. The design is considered acceptable and would not result in harm to the street scene, given its position to the rear, the set back and the existing boundary treatment. In regard to the front extension, the design is relatively simple but this is considered acceptable. The proposed front extension has a gable roof which differs to the hipped roof of the main dwelling, but is considered acceptable given the modest size of the front extension and the set back from the boundary with Nottingham Road. Overall, it is considered that the design of the approved and proposed extension is acceptable as the principle of development has been already established under planning permission 23/00627/FUL.
- 6.4 It remains the consideration that the proposed rear and side extension is not considered to result in an unacceptable loss of amenity for neighbouring residents. There is a degree of mutual overlooking between the application site and the adjacent neighbours due to the boundary treatment, raised patios/decking within the grounds of all properties and because these

properties are at higher level than their respective gardens. Whilst the extension as built has been increased in height by 0.2m, the rear elevation of the extension has retained the height as approved (3.2m) and impact on neighbouring property was considered acceptable as granted under reference 23/00627/FUL. The original proposal was reduced in length by 0.5m to reduce the potential loss of natural light and visual impact of this extension on neighbour amenity and the roof lantern was relocated further away from the eastern boundary to avoid shadowing and reduce any overbearing and light pollution impact on neighbours.

- 6.5 The rear decking replaced the previous raised patio and although it projects beyond no.183's rear elevation by approx. 4.5m, the level to the rear of the application site and adjacent neighbouring properties is not uniform. The decking area has been constructed, at one end, not more than 0.3m above the highest ground level to the rear of the house, and 0.4m at the other end (beside no.183). Should the decking have the same height as the original rear elevation at both end, the decking would have been Permitted Development and therefore planning permission would not be required. However, as one side of the deck is 0.4m above the height of the original rear elevation (0.1m above what could be considered permitted development), it is not considered permitted development and therefore has been included in the current planning application.
- 6.6 An objection to the extension and new decking was raised on the grounds of loss of privacy, sense of enclosure and loss of light. One of the main concerns is that no.183's rear garden would be overlooked from the new decking and the raised patio will be overshadowed by the extension. In terms of overbearing impact/ loss of light, following a site visit to no.183, it was observed that the extension projects only 1.6m beyond no.183's rear conservatory and 1.4m above the common fence. Although the extension as built is slightly higher where it adjoins the house (by 0.2m) than the approved, it is considered that because the height of the rear elevation was retained, the impact of the extension on no.183 has been considered acceptable. In regard to the potential overlooking, it was considered that given the existing boundary treatment, there would be no direct views to the rear of no.183 from the decking, and only a partial view of the rear garden. In any case, it is considered that the impact of the new decking would be no greater than that experienced from the previous raised patio. As stated in Section 6.4, there is a degree of mutual overlooking between the application site and the adjacent neighbours due to the boundary treatment and raised patios/deckings. No.183 has a raised patio which has the potential to also overlook the application site's rear garden, in fact no.183's raised patio is slightly at lower level (0.7m) than no.181's decking area (0.8m). Damage to property is not a material planning consideration.
- 6.7 Overall it is considered that the alterations made to the approved single storey rear and side extension, the new deck area and proposed porch will not result

in an unacceptable loss of amenity for the residents of any neighbouring properties.

7. Conclusion

7.1 It is considered that, having regard to the relevant policies of the Development Plan, Nuthall Neighbourhood Plan, National Planning Guidance and to all other material considerations, the development is acceptable and there are no circumstances which otherwise would justify the refusal of permission.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	<p>The development hereby permitted shall be carried out in accordance with the amended plans and commenced before the expiration of three years beginning with the date of this permission.</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>
2.	<p>The development hereby permitted shall be carried out in accordance with the Site Location Plan (drawing no. SLP HKP 02) and Proposed Block Plan Revision B (drawing no. SLP HKP 03) received by the Local Planning Authority on 24 June 2024 and Proposed Floor Plans and Elevations Revision C (drawing no. SPL HKP 05) received by the Local Planning Authority on 19 July 2024.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>The extensions shall be faced using off-white render finish, in accordance with the approved plans.</p> <p><i>Reason: To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 10 of Broxtowe Aligned Core Strategy (2014) and Policy 17 of Part 2 Local Plan (2019).</i></p>
4.	<p>Fencing to a height of 1.8m along the length of the decking area shall be installed within one month of the date of the decision and thereafter retained for the lifetime of the development.</p> <p><i>Reason: In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy 10 of the</i></p>

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
	<i>Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i>
	NOTES TO APPLICANT
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>www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries</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 purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.</p> <p>If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal</p>

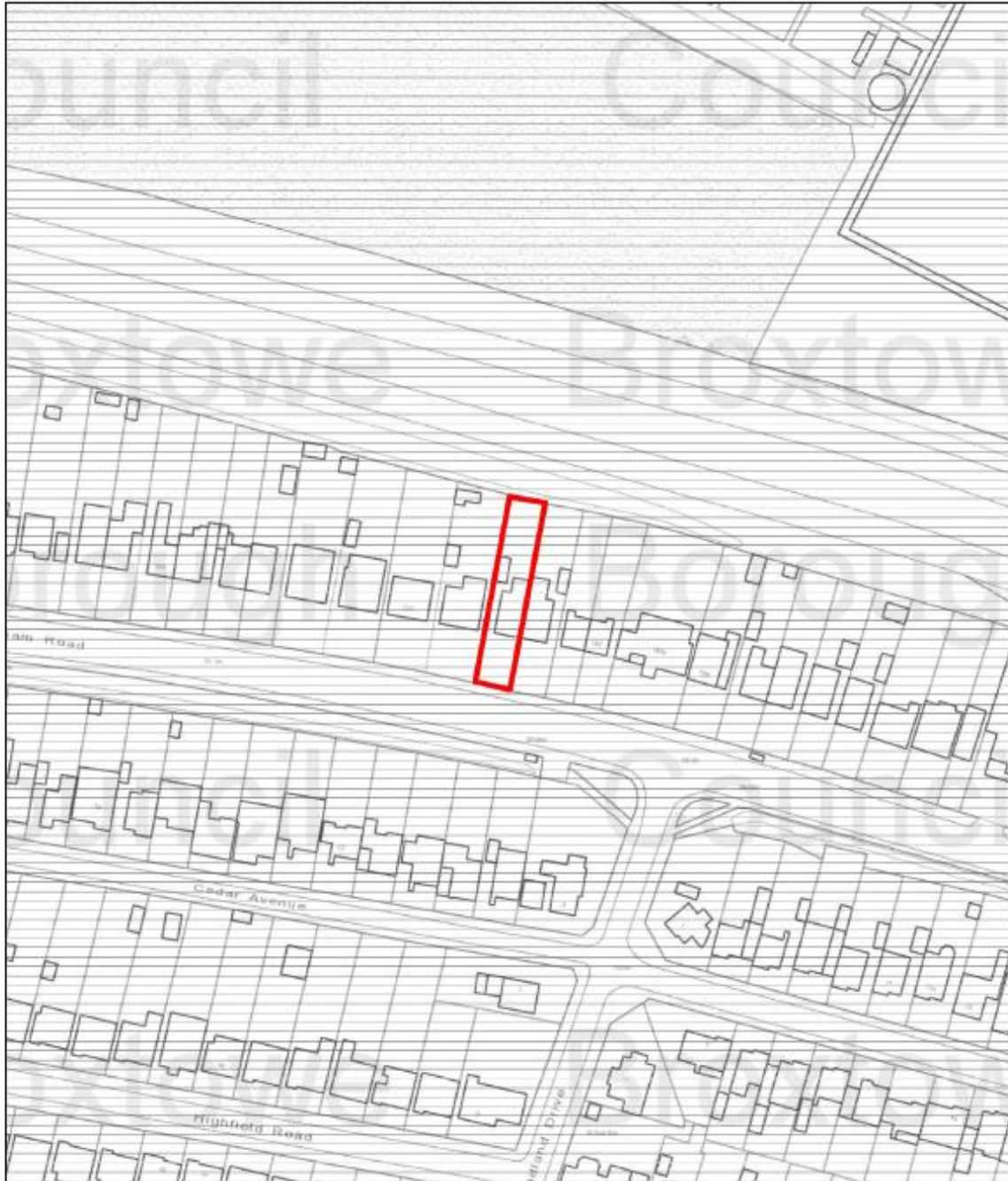
Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.



Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

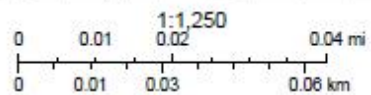
Map

23/00627/FUL -181 Nottingham Road, Nuthall NG16 1AE



10/6/2023, 12:52:05 PM

-  Coal Standing Advice
-  Site



Photos

As existing



Front elevation



Rear elevation



Rear relationship with 179 Nottingham Road



Front relationship with 179 Nottingham Road



Relationship with 183 Nottingham Road



Rear boundary treatment with no.183

Extension and deck area as built



Rear elevation



Side elevation



Relationship with no.179 Nottingham Road after built

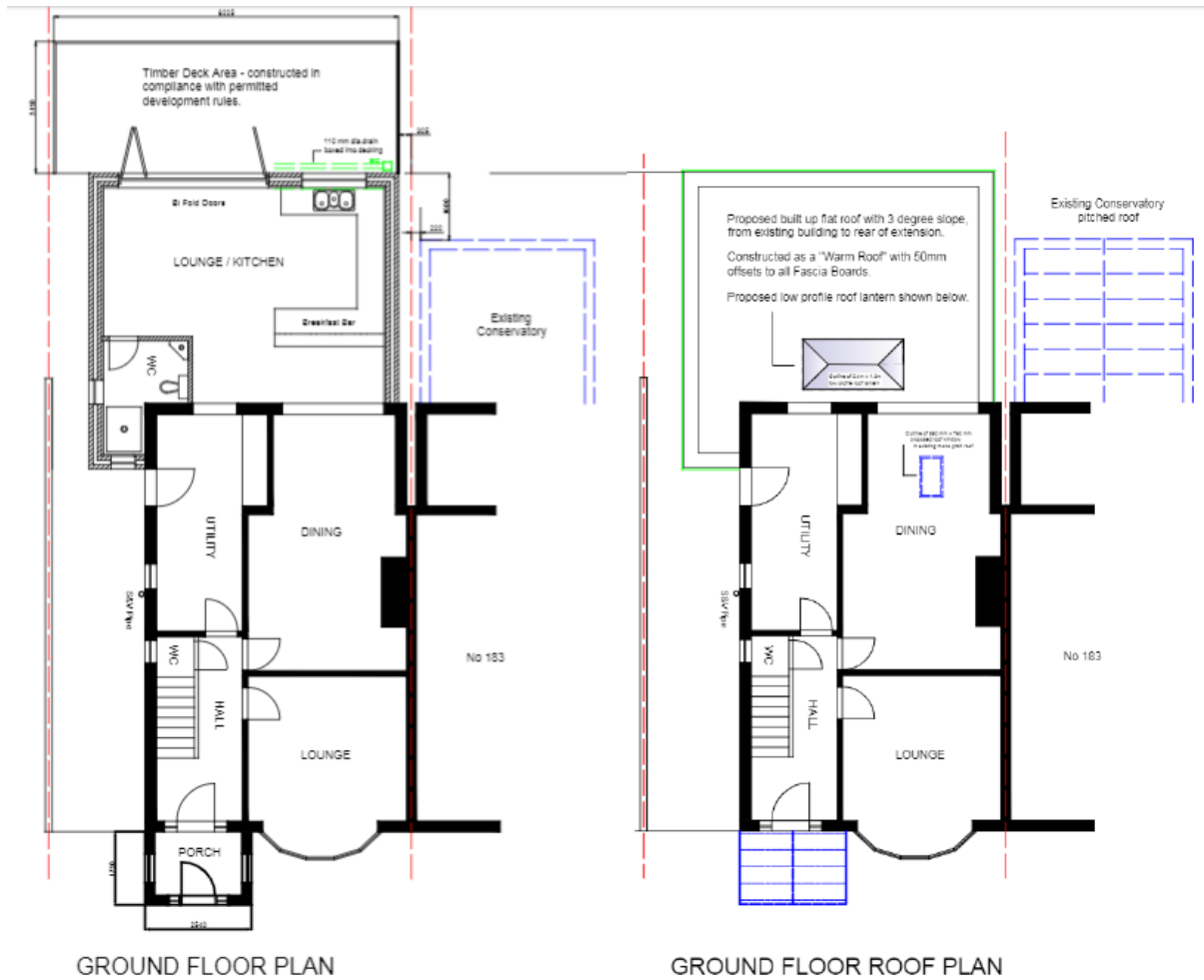


Relationship with no.183 after built

Extension viewed from no.183



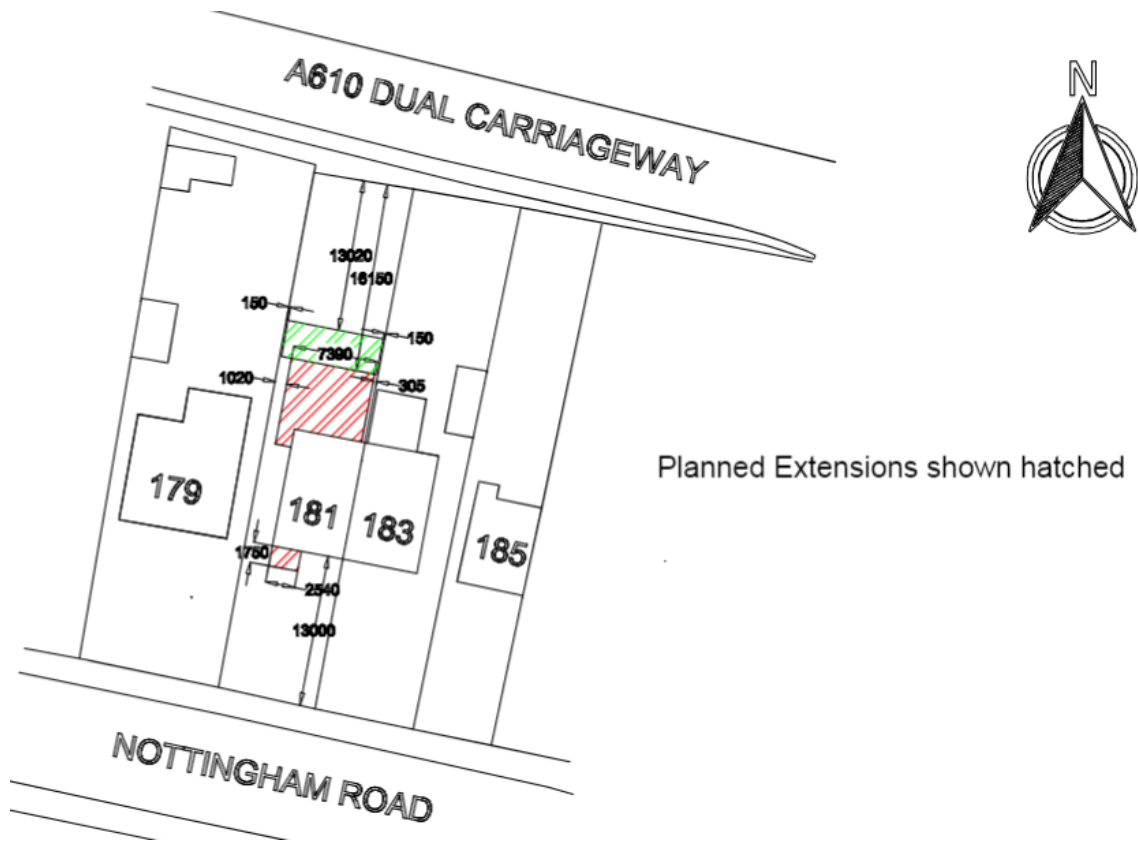
Plans



Proposed Floor Plans and Roof Plan



Proposed Elevations



Proposed Block Plan