

Report of the Chief Executive

<b>Application number:</b>	<b>24/00395/FUL</b>
<b>Location:</b>	<b>16 Mornington Crescent, Nuthall</b>
<b>Proposal:</b>	<b>Construct single/ two storey side and single storey rear extensions, raise the ridge height to the existing/ extended dwelling including a loft conversion and rear box dormer, and external alterations</b>

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

1. Purpose of the Report

- 1.1 The application seeks planning permission to construct single / two storey side and single storey rear extensions, raise the ridge height to the existing / extended dwelling including a loft conversion and rear box dormer, and external alterations.

2. Recommendation

**The Committee is asked to RESOLVE that planning permission be refused.**

3. Detail

- 3.1 The application seeks planning permission to construct single/ two storey side and single storey rear extensions, raise the ridge height to the existing/ extended dwelling including a loft conversion and rear box dormer, and external alterations.
- 3.2 The application site consists of a two storey detached dwelling with an open boundary to the side and front, accessed by a driveway to the front highway and a grassed area adjacent to the highway. The dwelling is located in a planned residential estate, on a corner plot. The immediate area is notably two-storey detached dwellings on open fronted plots, with driveway parking.
- 3.3 Neighbouring to the north is No. 1 Willesden Green, which is situated at a distance of 16m across Mornington Crescent properties, which has a blank elevation facing this highway. To the rear, east, is no. 18 Mornington Crescent, which has an enclosed boundary treatment to the front highway, and no windows facing the site. No. 14 is the neighbouring dwelling to the south, and has two upper floor windows facing the site.
- 3.4 The benefits of the proposed works are that it would extend an existing residential dwelling, would provide improved facilities for the occupiers with the potential to provide for a multi-generational and lifetime home, it would not have a significant negative impact on neighbour amenity, and would have no significant impact on highway safety. The negatives would be that the

proposal would not be of an acceptable design or scale. The negatives are considered to outweigh the benefits of the proposal.

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:

None

## Appendix

1. Details of the application

- 1.1 The proposal seeks planning permission to construct single / two storey side and single storey rear extensions, raise the ridge height to the resulting extended dwelling including a loft conversion and rear box dormer, and external alterations. The side extension would extend above the existing single storey element, beyond this there would be a two-storey side extension. To the front of the two storey side extension would be a single storey extension, with a lean-to roof continuing at the same height and in line with the existing single storey frontage, at an eaves height of 2.6m and an overall height of 3.9m. Above the first floor of the two storey side extension would be in line with the existing first floor and would have two dormer style windows at first floor level, to match the existing. Facing the front, including alterations to the existing elevations, there would be a render finish to the existing protruding gable frontage and sides proceeding above the ground floor window, a double height frontage to the front entrance, then windows replacing the existing double garages and a garage door to the extension. The two storey extension would be level with the existing rear first floor elevation and would have a gable end roof. The side elevation would have a feature glazed gable window for the second floor, and two first floor windows. Facing the rear there would be a pair of French doors, and a first floor window. A flat roof dormer is proposed within the extended roof to the side extension.
- 1.2 The main roof would be altered, encompassing the original building and the side extension, having a side facing gable, a steeper pitch and a raised chimney stack. The height of the resulting building would be raised from 8m to 8.8m, which would be a 0.8m height increase. This would provide for living space within the loft area, with four rooflights to the existing front roof slope, three rooflights to the existing rear roof slope, and a box dormer to the side extension roof, facing the rear. The dormer would have two windows and be set to the northern part of the roof slope.
- 1.3 The rear single storey extension would extend the full width of the existing rear elevation. It would have a depth of 4.1m and would include the removal of a partial width conservatory. Facing the rear, it would have bi-fold doors, a door and window. Both side elevations would be blank. It would have a flat roof at a height of 2.8m, with two roof lanterns above.
- 1.4 The property would increase from a four-bedroom house to six bedrooms. There would be internal layout changes.
- 1.5 Amended plans were submitted during the course of the application, with some changes made including the design of the front dormer, alterations and window changes / additions, but the principle of the development proposal remained the same. The description of the proposal was updated to provide more clarity on the works proposed. Neighbouring properties and previous commenters were re-consulted.

2. Site and surroundings

- 2.1 The application site consists of a two storey detached dwelling with an open boundary to the side and front, accessed by a driveway to the front highway and a grassed area adjacent to the highway. The dwelling is located in a planned residential estate, on a corner plot. The immediate area is notably two-storey detached dwellings on open fronted plots, with driveway parking.
- 2.2 Neighbouring to the north is no. 1 Willesden Green, which is situated at a distance of 22m across Mornington Crescent between dwellings, No. 1 has a blank elevation facing this highway. To the rear, east, is no. 18 Mornington Crescent, they have an enclosed boundary treatment to the front highway, and have no windows facing the site. No. 14 is the neighbouring dwelling to the south, and has two upper floor windows facing the site. Neighbouring properties are at a relatively similar level.
- 2.3 The site and immediate area are relatively flat. Whilst the estate is planned and dwellings are of a similar age and generally detached, there is a consistent difference between dwellings and plots, with buildings have a changing theme, style and height, and plots varying due to the size of the site, angle of buildings with greenery, buildings and boundary treatment varying towards the highway.

### 3 Relevant Planning History

#### 3.1 No relevant planning history

### 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 1: Climate Change
- Policy 2: The Spatial Strategy
- 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.

#### 4.4 Neighbourhood Plan:

**Nuthall Area Designation (adopted)** – The proposal site is located within the Mornington Estate Character Area, and has a consistent character which comprises of a more modern housing development which accesses Woodhouse Way from the Mornington Crescent loop road. Mornington is typified by detached two storey houses with off-road parking, small front gardens and private rear gardens, and community facilities with a school, pub, local retail centre and medical centre.

For Mornington it is expected that all new development will be designed, constructed and implemented to minimise creation of waste, maximise the use of recycled materials and assist in the collection, separation, sorting, recycling and recovery of waste.

#### **Nuthall Policy:**

Policy 5: Design and the Historic Environment

### 5 Consultations

#### 5.1 Councillors and Parish/Town Councils:

Councillor P J Owen – Requested to call-in to Planning Committee.

Councillor G S Hills – No comments received.

Nuthall Parish Council – No comments received

Five neighbours were consulted on the application, with seven responses received objecting to the proposal.

5.3 Amended plans were received, and eleven neighbours were consulted on the application, with six responses received objecting to the proposal.

5.4 Objections were raised for the following reasons:

- Boundary wall – There is no boundary wall included in the proposal.
- Sense of enclosure – Assessed within the assessment area of this report.
- Design – materials, scale and character - Assessed within the assessment area of this report.
- Parking and access - Assessed within the assessment area of this report.
- De-value property / economic benefit – included in other matters.
- HMO – owner doesn't live there and rents it out – included in other matters.
- Removal of trees – included in other matters

- Fear of crime – graffiti and vandalism – included in other matters.
- Environmental concerns – impact on biodiversity net gain requirements – included in other matters.
- Non-compliance with Local and / or National Policies – due to HMO
- Lack of community engagement from the applicant – included in other matters.
- Preserving the community – estate is a family friendly environment – due to HMO
- Loss of daylight / sunlight - Assessed within the assessment area of this report.
- Noise and smells – due to HMO
- Grounds for material and non-materials consideration on consultation form – included in other matters.
- Affordability - Concerns raised regarding the affordability of the development – included in other matters.
- Advertising displayed on neighbouring property – enforcement investigation raised
- Grounds for non-consideration of restrictive covenants, in relation to the construction of the original development of the housing estate and the use as a single private dwellinghouse – included in other matters.

## 6. Assessment

- 6.1 The main issues relate to whether the design and scale of the development would be acceptable; whether there would be an unacceptable impact on neighbour amenity; and highway safety (parking).
- 6.2 In terms of mass and scale, the extensions represent a disproportionate addition and would dominate the main dwelling. Whilst the first floor extension would be constructed on the existing footprint of the side garage, the scale of the raised roof, first floor extension and side extension combined would visually dominate the existing building and provide for an unacceptable footprint increase to the dwelling, contrary to the established character and scale of development in the immediate area. In addition, there would be no roof set down proposed to the side extension. The rear extension, if assessed on its own merits, would be an acceptable addition as it would be single storey, have a flat roof, and be beyond the existing rear elevation, and the rear garden is a relatively generous size to be able to accommodate a rear single storey extension of this size. Whilst the rear box dormer adds to the bulk and scale of the side extension and may not be considered to dominate the resulting roof slope, the overall roof of the dwelling would be enlarged and as such would result in a disproportionate impact in terms of mass and scale.
- 6.3 The frontage has been designed to create a uniform look to this dwelling, with alterations to the existing frontage and matching roof slopes and front dormers to the extended area. The rear extension has a contemporary look with roof lanterns on a flat roof. The proposal would have materials to match the existing dwelling, with a render finish to the existing protruding frontage

and sides. The use of these materials is considered acceptable and would be conditioned to match existing should the proposal be otherwise considered acceptable. Notwithstanding this, the appearance of the extended property is considered to be unacceptable within the street scene, as due to the increased width, it would provide an unbalanced and disproportionate appearance to the dwelling.

6.4 Overall, it is considered the proposal would have a significant impact in terms of design and upon the character and appearance of both the building and the street scene, and would represent a disproportionate addition in terms of scale and massing.

#### 6.7 **Amenity**

6.8 The development is considered to have no significant impact on surrounding neighbours (including in terms of the sense of enclosure and loss of daylight/sunlight), as the rear extension would be single storey and would replace an existing conservatory along the boundary with no. 14. The raised roof height would be above the existing dwelling, with no increase in the footprint at first floor level to the rear where no. 14's side windows face, and the two storey extended part of the proposal would be to the opposite side of the site dwelling. In respect of number 18, the rear extension would be situated over 9m from the side of this neighbouring dwelling, and whilst there would be an increase in windows in the proposed rear elevations they would be facing to the north side elevation. The proposed dormer would generally face the frontage of no. 18's site and Mornington Crescent itself, with no. 18 having no upper floor windows facing the site. The proposal would include the addition of three upper floor windows facing north on Mornington Crescent, and whilst they would face towards no. 1 Willesden Green, this would be across the highway and this neighbouring dwelling has no side windows facing Mornington Crescent. To the front elevation, additional windows would be added but this would be to the north side of the front elevation and no further forwards than the existing dwelling and in general terms facing a cleared green area and Mornington Crescent.

#### 6.9 **Access**

6.10 There are 2 off-road parking spaces and 2 garage spaces. To the front, access would be retained as existing, with adequate driveway space for parking, though the existing garage spaces would be converted to living space. The existing garage spaces each have an approx. internal width of 2.4m, the proposal would include a new wider garage with an internal width of 3.7m, though this would be a single garage space. To access the proposed garage there would be the loss of some green space and the extension of the driveway, this would allow for 1 additional off-road space to the front. Therefore, whilst there would be an increase from 4 to 6 bedrooms, off-road parking would be retained and parking is also unrestricted along this part of the public highway. As such it is considered there would be no significant impact on access or highway safety.

**6.11 Other Matters**

- 6.12 Proposals for a boundary wall have not been shown on the plans or been included as part of the proposal.
- 6.13 In respect of consultation, the Local Planning Authority has carried out its statutory requirement for a neighbour consultation as all adjoining properties notified. The applicant is under no legal requirement to consult any third party as this is covered by the statutory requirements of the LPA.
- 6.14 The site is not within a Conservation Area, there are no TPO (Tree Protection Order) trees on the site and there are no planning conditions restricting tree removal, therefore works would not require permission from the Local Planning Authority. Any works carried out that would not accord with the Wildlife and Countryside Act 1981 would be outside the remit of a planning application and would be covered by other legislation.
- 6.15 Covenants – Whilst an extract has been provided following a consultation response of a covenant within the local area, this would be outside the remit of a planning application and would carry little weight in the determination of the application.
- 6.16 De-value property / economic benefit – Impact on private rights such as property value / saleability and the economic benefit of a proposal for the applicant are not material considerations that would carry any weight.
- 6.17 Material and non-material considerations in a consultation – There are a wide and varied range of subjects which may be material considerations, some may be given greater weight than others in the consideration of a specific planning application, this may be due to legislation and if the courts have determined when and where a consideration should be taken into account, such as the right to light. A non-material consideration would include, but not be limited to, a private matter, restrictive covenants or other legal matters which are not related to planning, or where they are covered by other legislation. This could include perceived ideals or the devaluation of property.
- 6.18 Fear of crime – graffiti and vandalism – No evidence has been provided to support this comment.
- 6.19 Affordability – Financial affordability is not a material consideration in a planning application.
- 6.20 The property is proposed to have six bedrooms. Concerns have been raised that the property would become a HMO (House in Multiple Occupation). The application as submitted does not include a change of use. Should the property be occupied in a way that takes it out of the C3 Use Class (dwellinghouse), such as a HMO, a planning application for a change of use to a HMO (Use Class C4), where no more than six unrelated occupiers, would need to be made. For a smaller HMO, no more than three unrelated occupiers, this use would fall within Use Class C3 and therefore allowed under Permitted Development Rights.
- 6.21 Environmental concerns – impact on biodiversity net gain requirements. The application is subject to the same procedures as per a householder planning



application, and any constraints that the site may be subject to. In this case, there are no concerns. In relation to BNG, an exemption applies in relation to planning permission for a development which is the subject of a householder application, within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015).

7. Conclusion

7.1 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 Duty and comments raised in the representation received, the development is unacceptable and that there are no circumstances which otherwise would justify the approval of permission.

<b><u>Recommendation</u></b>	
<b>The Committee is asked to RESOLVE that the Head of Planning and Economic Development be given delegated authority to refuse planning permission for the following reasons:</b>	
<b>1.</b>	<b>The proposal, by virtue of the scale and massing of the development, would be out of keeping with the character of the building, the immediate area and the street scene, as it would result in a disproportionate addition, have an unbalanced appearance and would represent an over-intensive development. In addition, the inclusion of a rear dormer would have an unacceptable impact in terms of scale, massing and design. Accordingly, the proposed development would be contrary to the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014), Policy 17 of the Part 2 Local Plan (2019), and Policy 5 of the Nuthall Neighbourhood Plan (2018).</b>
<b>NOTES TO APPLICANT</b>	
<b>1.</b>	<b>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</b>

Map

