

Report of the Interim Chief Executive

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| <b>APPLICATION NUMBER:</b> | <b>26/00100/FUL</b>   |
| <b>LOCATION:</b>           | <b>18 Garton Close, Chilwell NG9 4GH</b>                          |
| <b>PROPOSAL:</b>           | <b>Construct dwelling in lieu of approved household extension</b> |

The application is brought to committee at request of Councillor Stephen Jeremiah.

1. **Purpose of the Report**

1.1 The application seeks planning permission to change the use of the two-storey side extension to form a semi-detached new dwelling.

2. **Recommendation**

**The Committee is asked to RESOLVE that planning permission be refused subject to conditions outlined in the appendix.**

3. **Detail**

3.1 The application seeks full planning permission to convert the approved two storey side extension into a new dwelling. The proposed dwelling would have one bedroom and a bathroom at first floor level, and an open plan kitchen/dining/living room and WC at ground floor level.

3.2 The application site consists of a two storey end of terrace dwelling with a drive way and garden area to the front/side and a garden to the rear. The dwelling is located in a residential area formed mainly by terraced properties.

3.3 In regard to neighbouring properties, the site is located in a built up residential area of Chilwell with adjacent neighbours to the north west (nos.33 to 37 Valley Road), to the south (17 Garton Close) and to the west (no.1 Lark Close).

3.4 The benefits of the proposed development are that it would add to the housing supply within a residential area. However, the proposal fails to demonstrate that a new dwelling can be accommodated within the site without resulting in a contrived and cramped form of subdivision that fails to reflect the established character and pattern of the surrounding residential area. The proposal is also considered to be an overdevelopment of the site to the detriment of the living conditions of future occupants.

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 This application seeks planning permission to change the use of the approved householder side extension into a new dwelling.
- 1.2 The new dwelling would have a depth of 6.5m and a width of 5.3m. It would have a gable roof with two dormers on the front roof slope. The side elevation would have a door and the rear elevation would have two windows. The front elevation would have a door and a window.
- 1.3 The proposed dwelling would have one bedroom and a bathroom at first floor level, and an open plan kitchen/dining/living room and WC at ground floor level. The property would have one parking space to the front and a front/side garden area.

2. Site and surroundings

- 2.1 The application site is located within a predominantly residential area and consists of a two storey end of terrace house with a gable roof. The host property has a single storey rear extension with lean-to roof which is still under construction. The rear garden is relatively generous with a length of 22m.
- 2.2 The site is flat and there is a gravelled driveway partially open to Garton Close with parking space for two or three vehicles.
- 2.3 Nos.33 Valley Road is a two storey end of terrace property situated to the north west of the application site. The terrace properties are oriented east to west and have first floor windows on the rear elevation facing the host dwelling's rear garden.
- 2.4 No.17 Garton Close is the adjoining two storey dwelling situated to the south of the application site.

3 Relevant Planning History

- 3.1 A full planning application (24/00751/FUL) to construct a one and a half storey side extension was granted permission in January 2025.
- 3.2 An application (25/00214/FUL) to construct a two storey side extension was refused in April 2025 due to the scale, massing and design of the extension which would create an incongruous appearance within the street scene and the negative impact in terms of loss of light and overbearing impact on the neighbouring property.
- 3.3 The applicant appealed the decision and the appeal was allowed. The inspector concluded that the proposed extension would have an acceptable effect on the character of the area and that there would not have an unacceptable impact on the amenity of neighbouring properties in terms of

outlook, loss of light, privacy or overbearing impact. Nor it would give rise to undue pressure on on-street parking or highway safety.

#### 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 8: Housing size, mix and choice
- 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 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity

##### **4.3 Chetwynd: The Toton and Chilwell Neighbourhood Plan**

4.3.1 The Council adopted the neighbourhood plan on 15 May 2024

- Policy 16: Urban Design: Amenity Space & Privacy

##### **4.4 National Planning Policy Framework (NPPF) 2024:**

- Section 2 – Achieving Sustainable Development.
- Section 5 – Delivering a sufficient supply of homes
- Section 12 – Achieving well-designed places.

#### 5. Consultations

5.1 Seven properties either adjoining or adjacent to the site were consulted and two responses were received from same neighbour raising objections for the following reasons:

- Change of use from householder extension to a new dwelling
- Loss of privacy due to side door and rear roof windows
- Sense of enclosure
- Loss of light
- Extension not built as approved
- Parking issues during construction works
- Lack of information about drainage, soil pipe and existing manhole
- Demolition of party wall

## 6. Assessment

- 6.1 The application proposes the provision of a two storey one-bedroom property attached to the host dwelling no. 18 Garton Close following the approval of a two storey side extension. The main issues relate to whether the proposed change of use would be acceptable, the impact on the character of the area and whether there would be an unacceptable impact on neighbour amenity including the amenity of future occupiers.
- 6.2 The existing driveway will remain which serves the host dwelling, with the provision of a new driveway to the front of the proposed dwelling.
- 6.3 In terms of mass and scale, the Inspector assessment states that the approved extension would read as a subservient addition, with the form of the original dwelling clearly discernible and would not appear dominant when seen from the street scene.
- 6.4 In terms of design, the side extension was considered acceptable and having a gable end, it would have a similar profile to other terraces in the street scene.
- 6.5 According to the Inspector assessment, the approved side extension was not considered to result in an unacceptable loss of amenity for neighbouring residents. However, the current scheme seeks permission for a new dwelling (semi-detached) and the impact of the change of use must be assessed as such.
- 6.6 At pre application stage it was advised the following:  
There are significant concerns with regards to the fragmentation of the site to the detriment of the spacious character of the locality. As the private garden area would be fronting the highway and set side on to the front driveway of the existing property, it is likely future occupier would install 2m high fencing to provide privacy which would increase the sense of enclosure. The proposed plot layout would also be at odds with surrounding plots with rear gardens. In light of the above, the proposal would cause the general erosion of the spacious setting, therefore adversely affecting the character and appearance in this location.
- 6.7 It was advised that according to Policy 17 of the Part 2 Local Plan any new development should be adequately separated from any neighbouring properties to ensure the amenity of any neighbouring properties is protected in terms of any potential overlooking, overbearing or overshadowing impact. There are concerns regarding the level of garden privacy provided for future occupiers of the new dwelling due to the main garden area fronting the highway. All proposed residential units should provide an acceptable level of outlook and daylight.

- 6.8 With regard to the impact on nearby properties the main issue is to the rear and side of the proposal and would have its main impact on 33 Valley Road. Objections have been received from in respect of loss of light, sense of enclosure and overlooking issues. This property used to have a rear garden with no buildings on its rear boundary. This has been detrimentally altered by the new development, which has had an impact on the occupiers of no.33, loss of light and privacy. However, it is noted that the built form is the same as the one previously approved at appeal and as such, this proposal will not have any additional impact compared to the approved scheme on existing neighbours.
- 6.9 In respect of amenity for future occupiers, whilst the new dwelling is considered to provide an acceptable standard of accommodation for the future occupiers, the host dwelling will be significantly close to the proposed dwelling which will not only cause a cramped form of development but will also likely cause a cramped form of development which could be particularly overbearing for existing and new occupants of the site. During the site visit it was noted that the site is of insufficient size to accommodate an additional dwelling. Whilst it is acknowledged that the site has a decent frontage, this is not considered sufficient as useable private amenity space. Furthermore, the rear of the site would be 1.4m away from the boundary with no.33 Valley Road.
- 6.10 It is also considered that the proposed development would result in a contrived and cramped form of subdivision that fails to reflect the established character and pattern of the surrounding residential area. The development would create a plot arrangement and garden configuration that is markedly at odds with the prevailing layout of neighbouring properties. The proposal therefore fails to integrate into its surroundings and would be contrary to Policy 17 of the Part 2 Local Plan.
- 6.11 Overall it is considered that the site is of an insufficient size to accommodate an additional dwelling with the necessary garden area and would appear contrived and out of keeping. It is also considered the proposal is a contrived effort in creating a new dwelling within the footprint and massing of a household extension. Accepting such development would set a precedent for additional subdivision of plots immediately adjacent to the site.

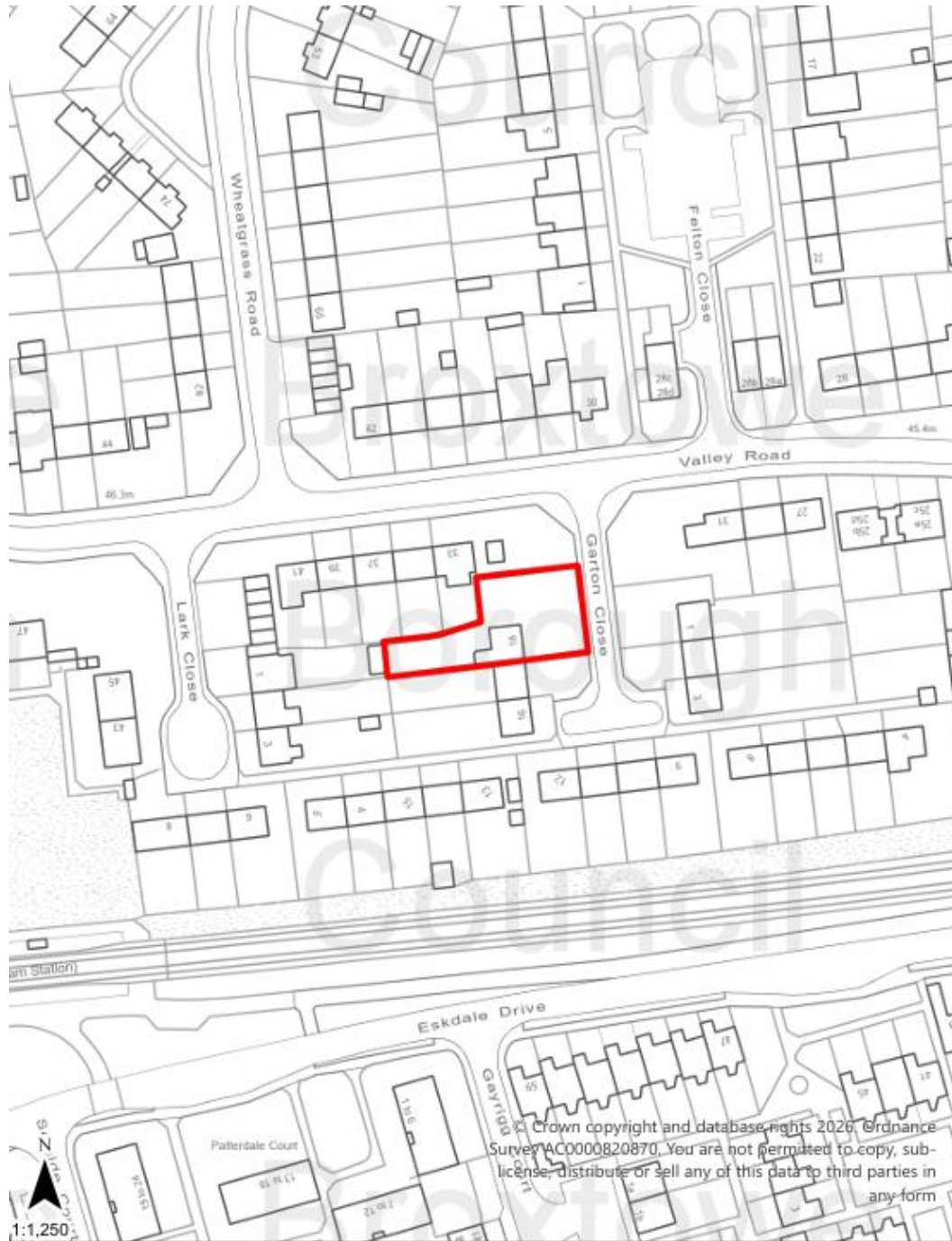
## 7. Conclusion

- 7.1 It is considered the principle of a proposed dwelling in this location is unacceptable. Whilst it is acknowledged the host dwelling is contained on a substantial sized plot due to it being positioned on a corner which can be typically generous in size, it is considered the shape of the site and its relationship with neighbours would result in a contrived form of development.
- 7.2 It is concluded that, having regard to the relevant policies of the Local Plan, national planning guidance and to all other material considerations including comments raised in the representations received, the development is

unacceptable and that there are no circumstances which otherwise would justify the granting of permission.

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| <b><u>Recommendation</u></b>  |  |
| <b>The Committee is asked to RESOLVE that planning permission be refused for the following reasons.</b> |  |
| <b>1.</b>   | <b>The proposed development would result in a contrived and cramped form of subdivision that fails to reflect the established character and pattern of the surrounding residential area and would result in a detrimental impact on the amenity of future occupiers. The development is therefore contrary to Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019), Policy 16 of Chetwynd Neighbourhood Plan and NPPF (2024).</b> |

Site Location Plan



Legend

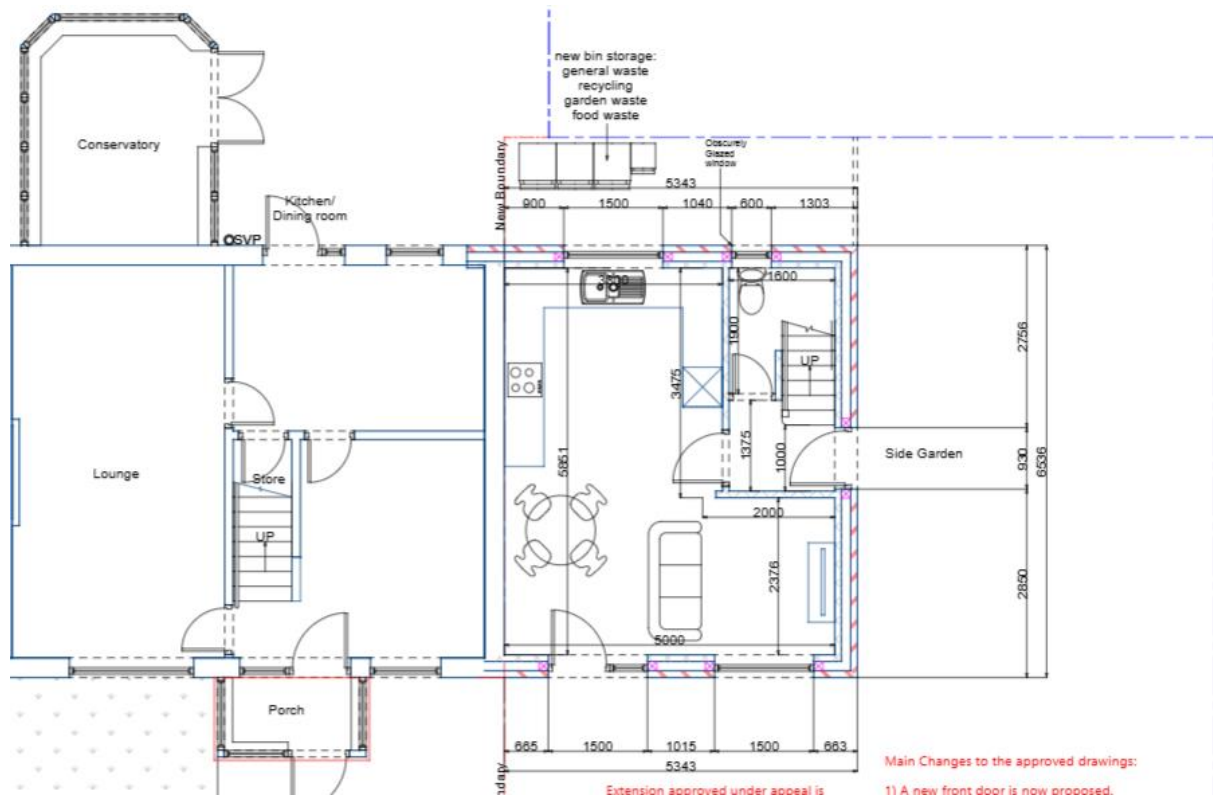
 Site

**Plans**

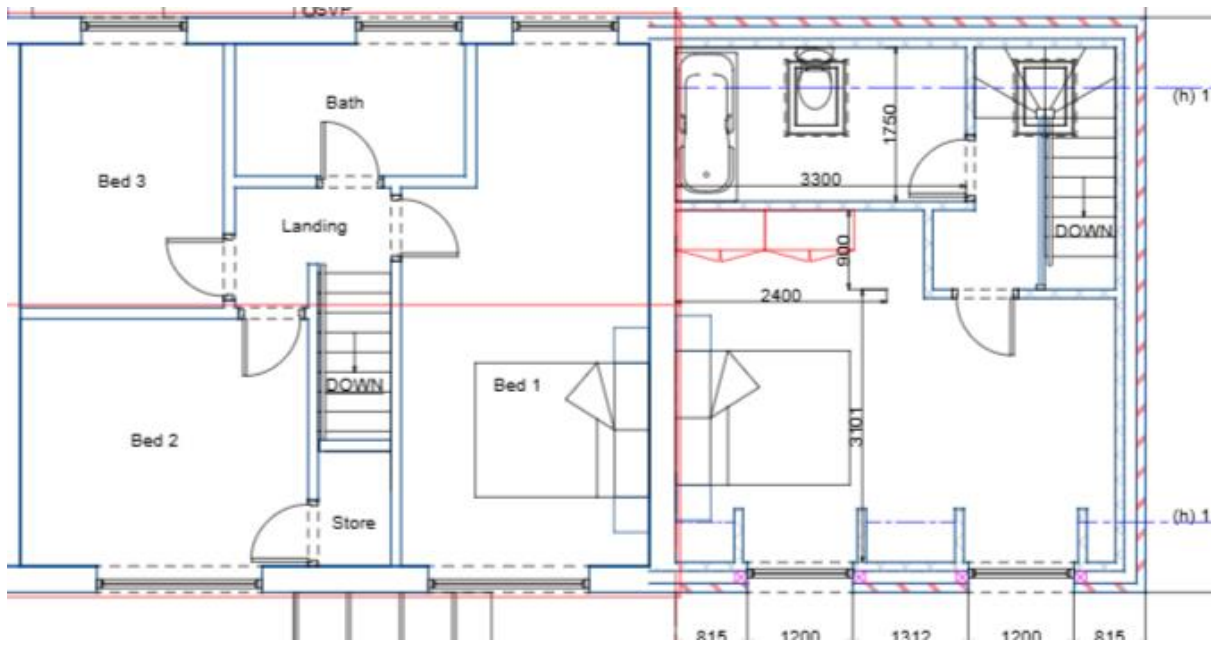
**Site Location Plan**



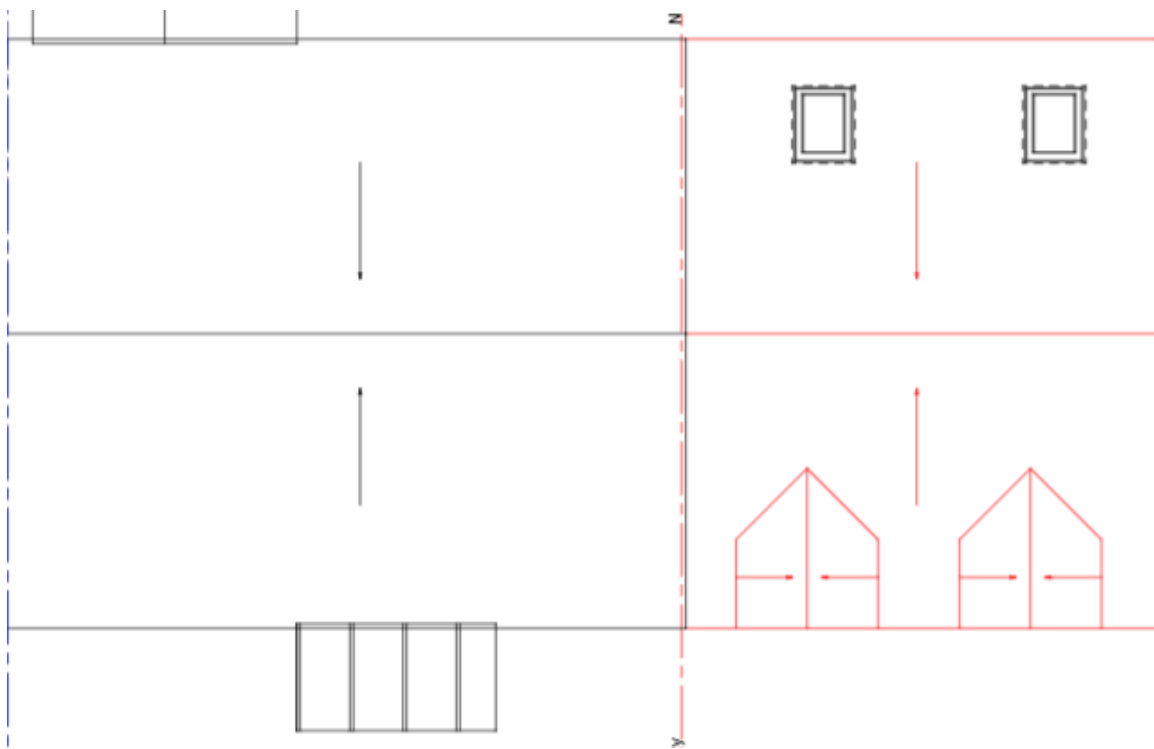
**Proposed Floor Plans and Roof Plan**



**Proposed Ground Floor Plan**

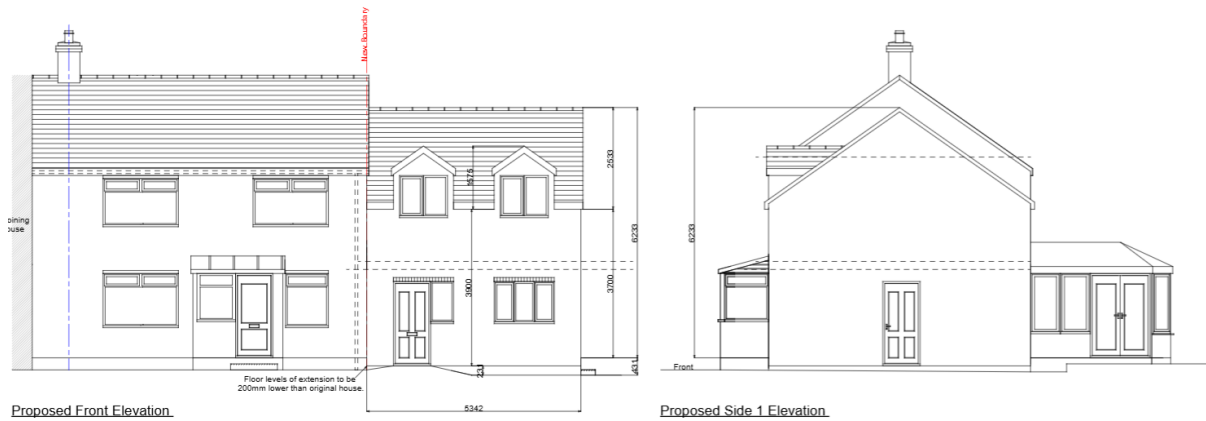


Proposed First Floor Plan



Proposed Roof Plan

Proposed Elevations



Proposed Front and Side (north) Elevations



Proposed Block Plan

