

Report of the Chief Executive

APPLICATION NUMBER:	26/00516/FUL
LOCATION:	18 Nether Green, Eastwood Nottinghamshire, NG16 3DW
PROPOSAL:	Convert and extend detached garage to create new dwelling (ancillary to main property). Construct single-storey rear extension to existing property

The application is brought to the Committee at the request of Councillor B Bullock.

1. Purpose of the Report

- 1.1 The application seeks permission to convert and extend the existing detached garage to create an ancillary dwelling and to construct a single storey rear extension to the existing house at 18 Nether Green in Eastwood.

2. Recommendation

The Committee is asked to resolve that planning permission be refused.

3. Detail

- 3.1 The application seeks permission to convert and extend the existing detached garage to create an ancillary dwelling and to construct a single storey rear extension to the existing house at 18 Nether Green in Eastwood.

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:

- 7.1 Nil

Appendix

1. Details of the application

- 1.1 The application seeks permission to convert and extend the existing detached garage to create an ancillary dwelling and to construct a single storey rear extension to the existing house at 18 Nether Green in Eastwood.

2. Site and surroundings

- 2.1 The application site consists of a two storey semi-detached white rendered dwelling, with detached garage to the north. The principal access route of Mansfield Road is to the west and number 17 Nether Green is adjacent to the south. East of the site is open fields and Brinsley Brook to the north. The site is washed over by Green Belt and also lies within Flood Zones 2 and 3.

3. Relevant Planning History

- 3.1 80/00063/FUL - DET DOUBLE GARAGE WITH WC & STORE 2 STOREY EXTN – PERC
- 3.2 15/00012/FUL - Construct single storey rear and side extension to create an open plan kitchen / family living area – REFUSE
- 3.3 15/00150/CLUE - Application for Certificate of Lawfulness for existing development of a conservatory – APPROVE
- 3.4 17/00198/PNH - Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 6 metres, with a maximum height of 3 metres, and an eaves height of 3 metres - REFUSE

4. Relevant Policies and Guidance4.1 **Broxtowe Aligned Core Strategy 2014:**

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

- Policy A: Presumption in Favour of Sustainable Development
- Policy 1: Climate Change
- Policy 3: Green Belt
- Policy 8: Housing Mix, Size and Choice
- 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 1: Flood Risk
- Policy 8: Green Belt
- Policy 15: Housing Mix, Size and Choice

- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous substances and ground conditions
- Policy 20: Air Quality
- Policy 31: Biodiversity Assets

4.3 National Planning Policy Framework (NPPF) 2026

- Section 3: Decision making policies
- Section 6: Delivering a sufficient supply of homes
- Section 13: Green Belt
- Section 14: Achieving well designed places
- Section 18: Managing flood risk and coastal change

5. Consultations

5.1 Consultees

- Cllr B Bullock - Eastwood Hall – called to committee
- Eastwood Town Council – no comment
- NCC Highways – no objection, comment below.
- NCC - LLFA (Flood Risk) – no objection, comment below.

5.2 1 Neighbour was consulted on the application. A site notice was also placed to the front of the site. There was one objection received which was on Scale, Height & Visual Impact of the proposed new dwelling and concern that additional surface water run-off from this development will increase flows and pressure on neighbouring property.

6. Assessment

6.1 Principle

6.1.1 The site is washed over by Green Belt and the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belt are their openness and their permeance.

6.1.2 Policy 8 of the Part 2 Local Plan states that: Disproportionate additions to a building will be treated as those that, taken cumulatively, exceed 30% of the volume of the original building.

6.1.3 The volume of the existing house including conservatory is 484.25m³. The volume of the house following the removal of conservatory and construction of the extension would be 507.78 which is acceptable as this is a 4.75% increase.

6.1.4 The existing garage has a volume of 152.9m³ and after the proposed extensions and alterations to turn the outbuilding into an ancillary dwelling the volume would be 302.32m³, which results in a 97% increase – therefore the proposal would be refusable on green belt terms as it would represent a disproportionate increase.

6.2 Design

- 6.2.1 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.
- 6.2.2 The proposed rear extension to the existing dwelling, will replace an existing conservatory. It will protrude from the rear by 3m, with a total length along the rear of 5.8m, creating space for a dining room and snug off the existing kitchen. No side elevation windows are proposed, with one window and a set of bi-fold doors to the rear elevation. The proposed extension will have a flat roof, with a height of 2.7m. It will be partially rendered in off-white with a timber cladding (RW006 profile) natural grey.
- 6.2.3 It is considered that the proposed rear extension is acceptable, it will not dominate the existing dwelling nor will it be visible from the street scene. There are no neighbouring properties to the rear so the extension will be largely unseen.
- 6.2.4 The proposal would see the existing detached garage extended to create a separate dwelling for a family member. The applicant describes this as being ancillary to the main dwelling.
- 6.2.5 The existing detached garage measures 7.4m in length and 6m in width and is subdivided into an office and garage. The existing garage has an eaves height of 2.3m and ridge height of 4.2m with a garage door and entrance door both to frontage.
- 6.2.6 The proposed ground floor of the new dwelling would measure 7.8m in length by 8m in width and would be set at an angle. To the ground floor there would be a bedroom, wardrobe, boot room, bathroom, kitchen, living/dining room. This would have bi-fold doors on to a proposed composite decking area on top of where the existing hardstanding is. The entrance would have a ramp with adjacent planters. The first floor above would measure 5.5m in width and have a length of 9.7m, set at an angle from the ground floor rather than being directly above, resulting in a stacked design. The first floor would have a living room, bedroom and ensuite - with a balcony leading off the living area facing west.
- 6.2.7 The proposed new dwelling would have an eaves height of 4.6m and ridge height of 6.9m. The roof would be clad in larch (RW006 natural grey) with the ground floor being silicone render in champagne to match the existing dwelling and would have aluminium thin line windows and a glazed balustrade to balcony. A small element of the ground floor adjacent to the entry door would be reclaimed Derbyshire stone facing.
- 6.2.8 The proposed separate dwelling would have a composite decking to the rear, accessed via doors from the living area. This decking would measure 4m in length and 6m in width. The composite decking would sit above an existing paved

area. It is considered that the contemporary design, whilst distinct from the existing dwelling, would achieve an acceptable standard of design and would not conflict with Policy 17 of the Part 2 Local Plan or Policy DP3 in the National Planning Policy Framework.

6.2.9 It is considered that the increase in massing, scale and height of the new dwelling, alongside it being completely self-contained with two bathrooms, two bedrooms, balcony/decking and kitchen/dining and living rooms – that it could not be considered to be ancillary to the main dwelling.

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 any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.

6.3.2 The plot is spacious and it is considered that the mass, scale and height of the proposed single storey rear extension will result in a minimal amenity impact to any neighbouring dwellings.

6.3.3 The proposed separate dwelling will also have no amenity impact on any neighbours.

6.4 Access

6.4.1 Policy 17 states that planning permission will be granted for new development that provides sufficient, well-integrated parking and safe and convenient access.

6.4.2 Highways: The proposal is to extend the garage to an ancillary dwelling and single storey extension to the main dwelling.

The Highways Authority would have no concerns, subject to the following condition.

The ancillary dwelling (building) hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential (for close family) use of the dwelling known as 18 Nether Green.

Reason: To restrict the number of car movements using the existing site access.

6.5 Impact on Green Belt

6.5.1 Paragraph 142 of the NPPF (2024) states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

6.5.2 Policy 8 of the Part 2 Local Plan 2019 states that applications for development in the Green Belt will be determined in accordance with the NPPF, as supplemented by the following Broxtowe-specific points. 2. 'Disproportionate additions' to a building will be treated as those that, taken cumulatively, exceed 30% of the volume of the original building.

- 6.5.3 The volume of the existing house including conservatory is 484.25m³. The volume of the house following the extension would be 507.78 which is acceptable as this is a 4.75% increase.
- 6.5.6 The existing garage has a volume of 152.9m³ and after the proposed extensions and alterations to turn the outbuilding into an ancillary dwelling the volume would be 302.32m³, which results in a 97% increase – therefore the proposal would be refusable on green belt terms.
- 6.5.7 It is considered that a new dwelling has been created through the conversion of the garage into a separate dwelling. The construction of a new dwelling does not fall within any of the exceptions in the Framework. As such, it is inappropriate development.

7. Flooding

- 7.1 The Sequential Test, set out in NPPF paragraphs 173 to 175 and amplified in PPG and EA standing advice, requires the LPA to be satisfied that there are no reasonably available sites in areas with a lower probability of flooding (i.e. Flood Zone 1 or 2) that would be appropriate for the proposed development. It is acknowledged at the outset that the proposed development creates a new self-contained Class C3 dwelling and is therefore NOT exempt from the Sequential Test as a householder development would be. EA standing advice (last updated 22 October 2025) and PPG are clear that the creation of a separate dwelling within the curtilage of an existing dwelling falls outside the householder exemption.

- 7.2 The Sequential Test is therefore engaged and is addressed below.

The proposal involves the conversion and extension of an existing detached garage on an established residential curtilage in single private ownership.

The development:

- Is site-specific in nature, intrinsically tied to the existing garage structure and the existing curtilage of 18 Nether Green, which is in single private ownership.
- Cannot reasonably be relocated to land in Flood Zones 1 or 2: the proposal is dependent on the existing built structure and curtilage of this specific plot, which the client owns. The applicant does not own, and cannot reasonably acquire, alternative land at lower flood risk that could deliver the same proposal.
- Reuses an existing built structure on previously developed land within an established settlement — a sustainability outcome favoured by the NPPF (paragraph 11).
- Does not introduce a new principal residential planning unit onto undeveloped land; the new dwelling is created entirely within an existing residential plot, on an existing built footprint, with no encroachment into greenfield land or undeveloped floodplain.

On the basis that the proposal is site-specific to the applicant's existing curtilage and existing built structure, and that no reasonably available alternative sites at lower flood risk could deliver the same proposal, the Sequential Test is considered to be satisfied.

- 7.3 Local Flood Authority - As a statutory consultee the LLFA should only be consulted on major developments with regards to surface water drainage. Having considered the scale of this application the LLFA believes it is not required to respond to this application, as such, we will not be making any bespoke comments.

8 Planning Balance

- 8.1 The benefits of the proposal are that it would provide enhanced living accommodation for the occupier and for the occupier of the additional dwelling and would not have significant impact on neighbouring amenity.
- 8.2 The negative impact is that the development would be inappropriate development within the Green Belt and the applicant has not demonstrated very special circumstances which would allow for development over and above the allowed 30%. Additionally, the proposed extensions to the garage would result in the creation of a separate dwelling, which would have enough facilities and separation that it could not be classed as ancillary to the main dwelling.
- 8.3 On balance, the negative impacts, in respect of Green Belt policy, are considered to carry sufficient weight to outweigh the benefits of the proposal.

9. Conclusion

- 9.1 Recommend that planning permission for the development is refused.

Recommendation

The Committee is asked to RESOLVE that the Head of Planning and Economic Development be given delegated authority to refuse the development for the following reason:

- | | |
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| 1. | The proposal constitutes inappropriate development within the Green Belt as the proposed extension represents a disproportionate addition to the size of the original building. There are insufficient very special circumstances demonstrated to clearly outweigh the harm resulting from the inappropriateness of the proposed development and the harm on openness. Accordingly, the proposal is contrary to Policy 8 of the Part 2 Local Plan and Section 13: Protecting Green Belt Land of the NPPF 2024 |
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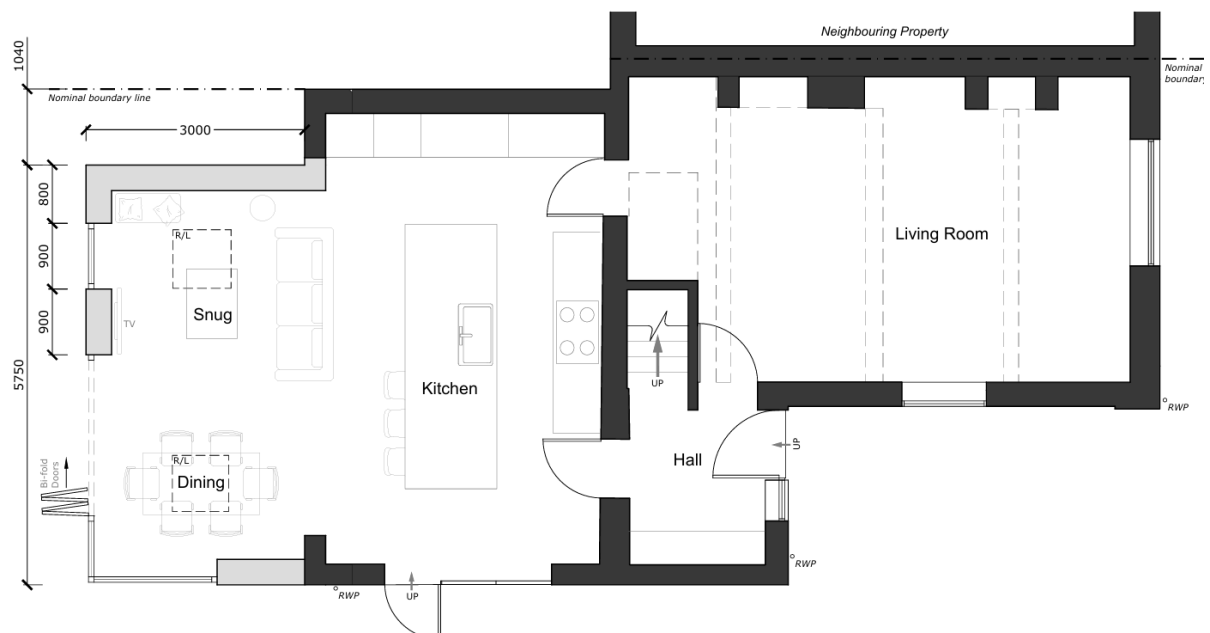
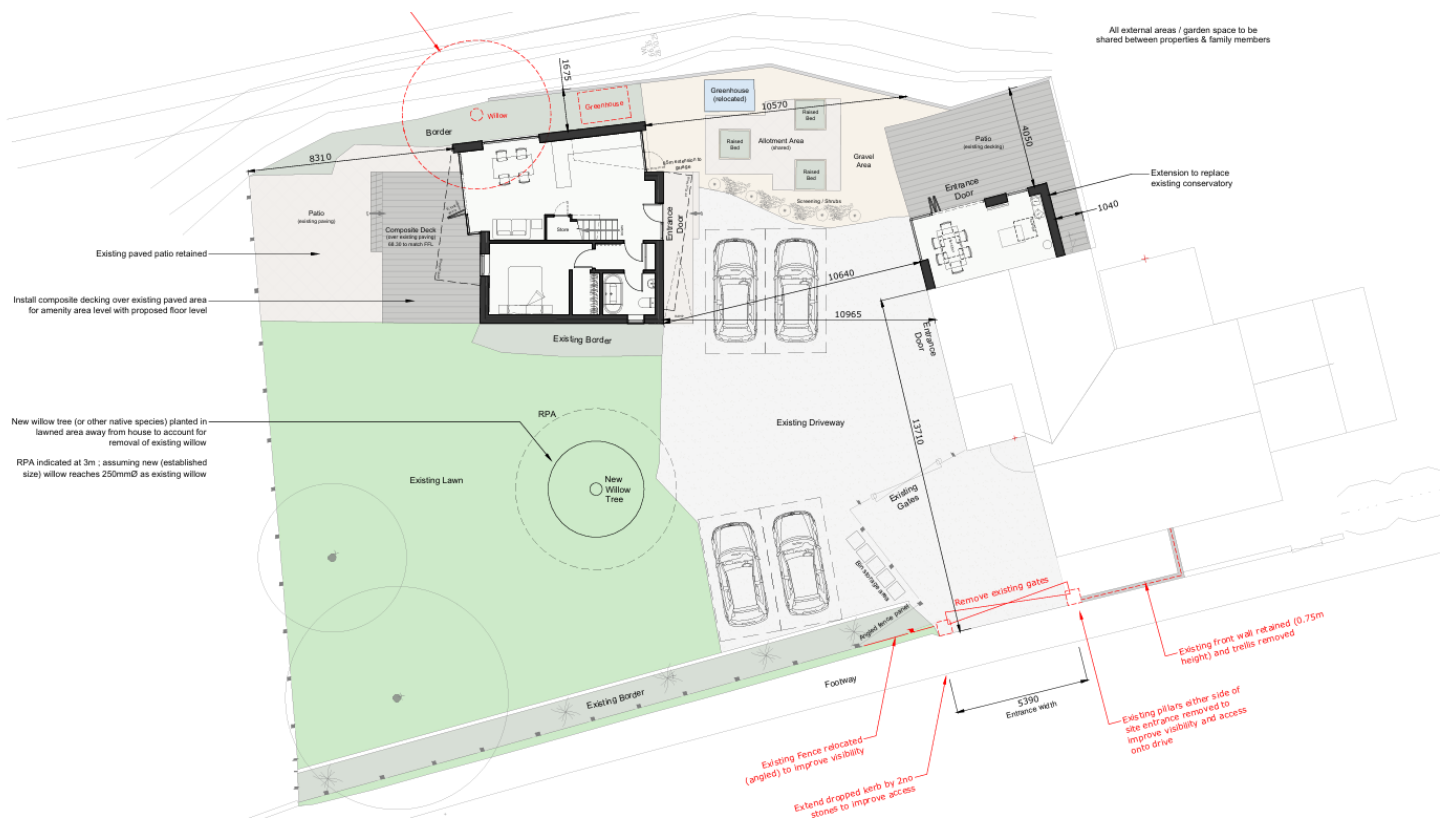
2.	and there are no other material considerations that justify treating this proposal as an exception. The proposal would, by virtue of the full range of accommodation to be provided, result in the creation of a separate living unit. This would represent inappropriate development within the Green Belt, contrary to Policy 3 of the Part 2 Local Plan and Part 13 of the NPPF (2026).
	NOTES TO APPLICANT
1.	The Council has tried to act positively and proactively in the determination of this application, however it was not considered that there were any minor alterations which could be made to the scheme to make the proposal acceptable.

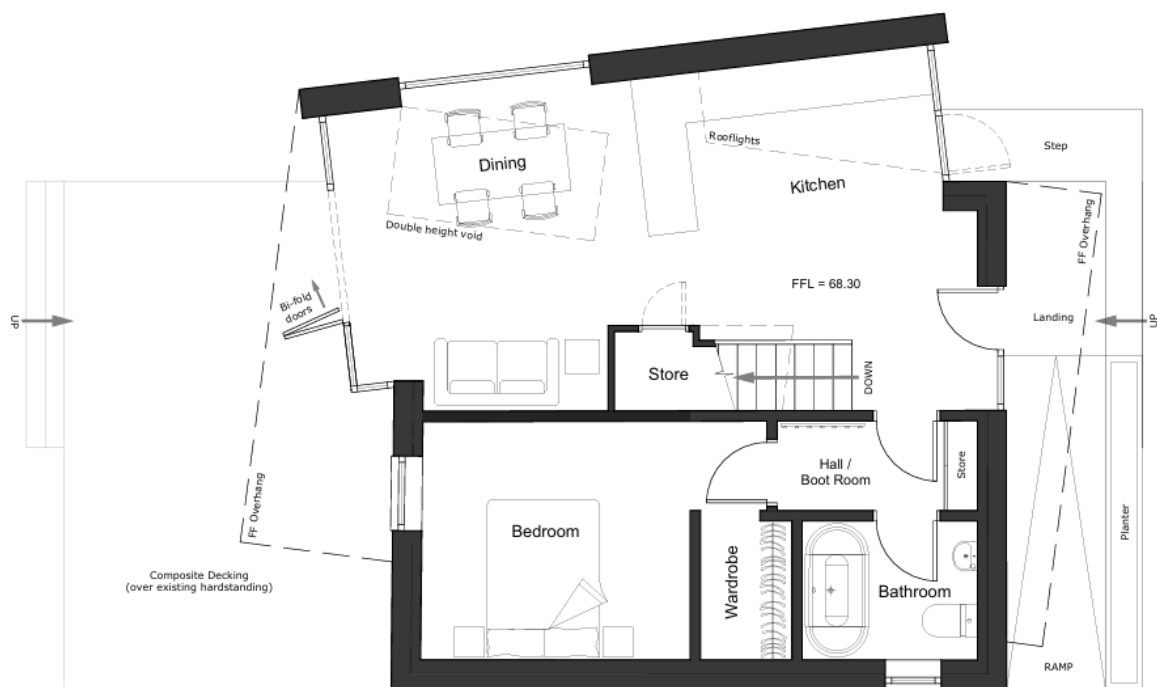
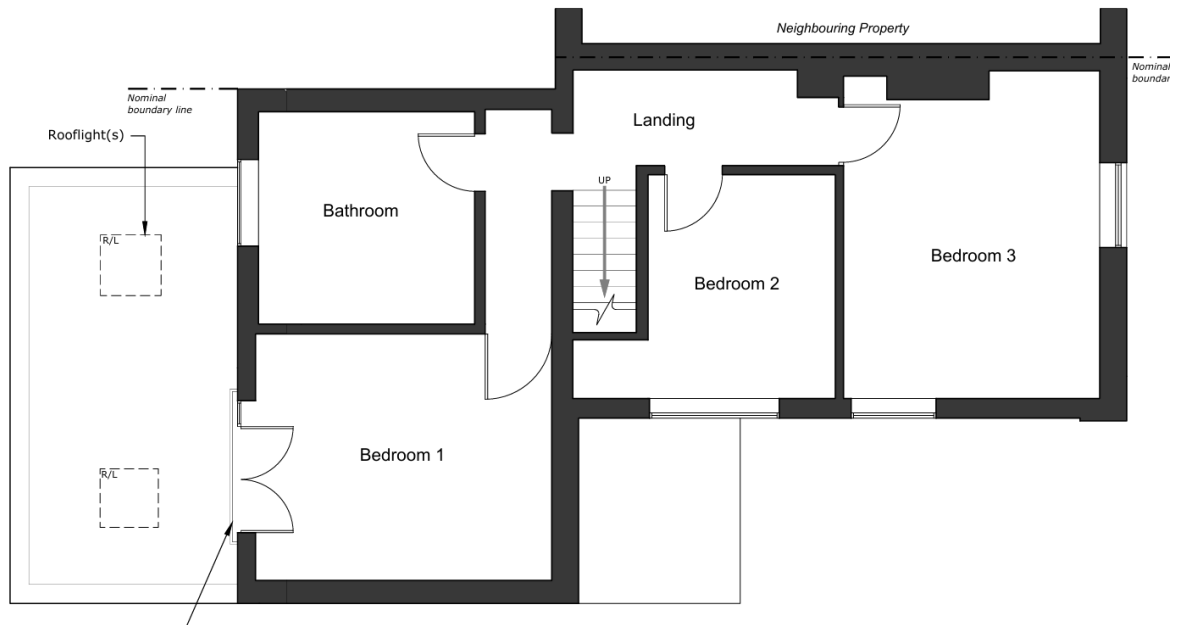
Map

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Plans (not to scale)

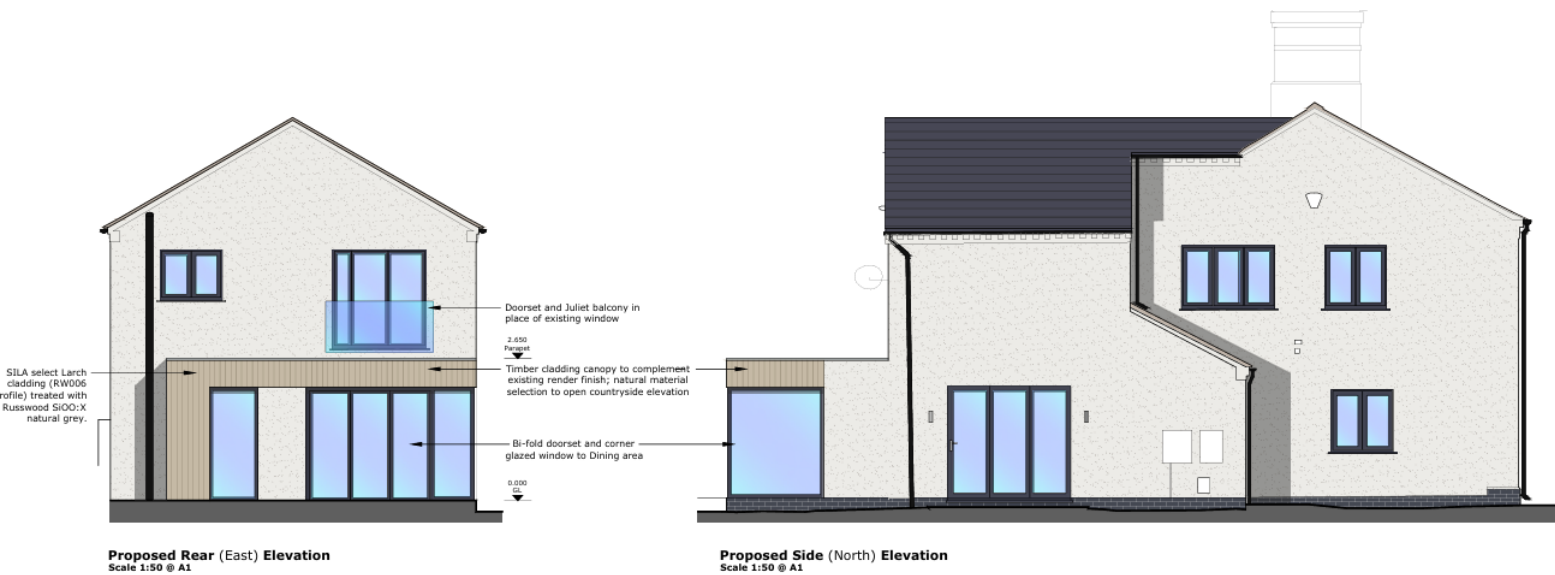




Ground Floor Plan
Scale 1:50 @ A2



First Floor Plan
Scale 1:50 @ A2



Proposed Rear (East) Elevation
Scale 1:50 @ A1

Proposed Side (North) Elevation
Scale 1:50 @ A1

