

**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>20/00172/FUL</b>
<b>LOCATION:</b>	<b>178 Bye Pass Road Chilwell</b>
<b>PROPOSAL:</b>	<b>Construct single storey rear extension to form one additional flat. Insert new windows at ground floor in existing building.</b>

The application is brought to the Committee at the request of Councillor Roberts-Thomson.

1 Executive Summary

- 1.1 This application seeks planning permission to construct a single storey extension to the rear to form one additional one-bedroom flat. Two windows at ground floor in the existing rear elevation will be removed and additional windows inserted in the north east and south west side elevations as replacements.
- 1.2 The site comprises of a two storey building containing four x two bedroom flats served by a centrally located entrance area. There is a triangular shaped area of private outdoor amenity space to the rear, which can be accessed by all occupants. There is an informal parking area to the frontage.
- 1.3 The main issues relate to the density of the development, whether the design and appearance of the extension would be acceptable, whether there would be an impact on neighbours and the flat occupiers, and whether the proposal poses a flood risk.
- 1.4 The benefit of the proposal is that it would provide an additional dwelling in an existing urban area. The negatives of the proposal are the density of development, the impact on neighbours and the flat occupiers, and failure to address flood risk.
- 1.5 The Committee is asked to resolve that planning permission be refused for the reasons set out in the appendix.

## Appendix 1

1 Details of the Application

- 1.1 The application as originally submitted was for a two storey rear extension to provide two additional flats, and raising of the roof to provide one additional flat. The two storey rear extension would have extended beyond the rear elevation of the north east block and would have contained two x one bedroomed apartments. The extension would have had a hipped roof. Windows were proposed at ground and first floor level in the south west and north west elevations (those at first floor in the north west elevations were proposed to have Juliette balconies), and relocated windows inserted at ground and first floor levels in the existing north east and south west elevation. The extension was shown to be built with a minimum of 10m distance to the rear elevation of 85 Perkins Way, at its closest point, where the western most corner is built almost on the common boundary. The additional one bedroomed flat within the existing building would have been created by raising the roof of the north east section of the building. This would have had a gable end to the north west and south east (front) elevations, with a window to the front and three roof lights to provide light to the bedroom and bathroom.
- 1.2 Following concerns raised in regard to design, impact on existing and future occupiers, and the density of the development, amended plans were submitted which show a single storey rear extension, projecting 6.8m, to create one additional flat, and the insertion of windows in the north east and south west elevations of the existing building, at ground floor level. The single storey extension would have a hipped roof with a ridge height of 3.7m and would have two windows to the north west elevation, and a full height window and entrance door to the south west elevation. Windows in the existing rear north west elevation serving the bedrooms of flat 2 would be relocated to the north east and south west elevations. Again, the extension would be built with a minimum of 10m distance to the rear elevation of 85 Perkins Way, at its closest point, where the western most corner is built almost on the common boundary, and would be built in line with the north east side elevation, adjacent to the common boundary with 176 Bye Pass Road.

2 Site and surroundings

- 2.1 178 Bye Pass Road is a detached two storey building which currently contains four x two bedroomed apartments. The building is modern, being built circa 2010, and is of brick with a hipped roof. The building is seen as two blocks, having two apartments to the south west and two to the north east of a central entrance area. The building occupies a triangular shaped site, tapering toward the rear, with open plan parking to the tarmac frontage (with two access points from Bye Pass Road) and an enclosed garden (patio with shingle) to the rear.
- 2.2 To the north east of the site is 176 Bye Pass Road, a two storey detached dwelling. The rear two storey elevation of this property extends slightly further back than the rear elevation of 178. The dwelling has a conservatory with glazed

roof to the rear and adjacent to the common boundary, and a pitched roof single storey extension to the side of this.

- 2.3 To the south west there is a development of modern housing consisting of two storey detached dwellings. The rear elevations of these properties (81 to 89 (inclusive odd numbers) Perkins Way) all share the common boundary with the site. Out of these properties, 81, 83 and 85 directly adjoin the rear of the site and are in a slightly elevated position. The rear gardens of these properties range in length from a minimum of 8m (no. 81) to a maximum of 12m (no. 85). 188 Bye Pass Road also shares a common boundary with the site, being south of the site, and is side on to 178 and has habitable room windows in the north side elevation.

- 2.4 The site is within Flood Zones 2 and 3.

### 3 Relevant Planning History

- 3.1 In 2009, planning permission was refused for the erection of a three storey building (third storey partly in the roof) comprising 4 x two bedroom apartments and 2 x one bedroom apartments, on the grounds that the development would be out of scale, bulk and character with the surrounding area, forming an incongruous feature in the street scene and an undesirable change in the character and appearance of the area. It was also considered that the development, at three storey, would create an unacceptable overshadowing and overbearing impact on the neighbouring property 176 Bye Pass Road (the properties on Perkins Way were not built at the time). Planning reference 09/00343/FUL.
- 3.2 Also in 2009, a further planning application for a full height three storey building comprising 6 x two bedroom apartments was refused permission (reference 09/00517/FUL). This building was taller than the previous scheme and was refused on the same grounds as application reference 09/00343/FUL. Neither of the two 2009 applications were the subject of an appeal.
- 3.3 In 2015, a planning application (reference 15/00779/FUL) for the erection of a third storey to part of the building (left side, to the south / south west) was submitted and subsequently refused permission. Again, the reasons for refusal were similar to the reasons from the 2009 refusals. By this time, the properties on Perkins Way had been built and occupied, and it was assessed that the increase in height would have had an unacceptable impact on the occupiers of these properties in regard to sense of enclosure and its overbearing impact. This decision was the subject of an appeal, with the appeal dismissed as the Planning Inspector concluded that the development would result in harm to the character and appearance of the area, and upon the living conditions of neighbouring residents.

### 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 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 (P2LP) on 16 October 2019.

- Policy 1: Flood Risk
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-Making, Design and Amenity.

#### **4.3 National Planning Policy Framework (NPPF) 2019:**

- Section 2: Achieving Sustainable Development.
- Section 5: Delivering a sufficient supply of homes
- Section 14: Meeting the challenge of climate change, flooding and coastal change.

### **5 Consultations**

5.1 **Council's Environmental Health Officer:** no objections.

5.2 **Environment Agency:** object and recommend that permission is refused as the FRA (Flood Risk Assessment) fails to adequately assess the flood risks posed by the development and contains inaccuracies.

5.3 **Nottinghamshire County Council as Highway Authority:** Require an additional space to be provided. Request that a parking layout be submitted to show that this can be accommodated.

5.4 **Waste and Recycling:** Each additional dwelling would require 2 x 240 litre bins and 1 x 37 litre bag for glass. Bins to be presented at the edge of the adopted highway for collection.

5.5 **Councillor E Kerry:** Objects to the single storey extension as considers it still to represent over-development, and a second storey could be applied for at a future date.

5.6 **Councillor T Roberts-Thomson:** Considers that the single storey extension is too close to the neighbours fence and appears to be intrusive, challenging their sense of privacy and creating a sense of being overlooked; over-development of the site; the floor to ceiling window has the potential to overlook the back gardens and living areas of properties on Perkins Way; the application should be referred to committee as it sets a dangerous precedent for applicants to continue to develop a residential site.

5.7 11 properties either adjoining or opposite the site were consulted and a site notice was displayed. Six objections were received to the original proposal. The grounds for objection were:

- Sense of enclosure
- Dominating and intimidating effect
- Loss of daylight / sunlight – both from the two storey extension and the increase in height of the roof
- Overlooking / loss of privacy especially from the proposed windows at first floor
- Increase in access [comings and goings], noise and smells
- Impact on wildlife as there are mature shrubs on the common boundary
- Noise and disturbance during construction
- Increase in vehicles, which would lead to more vehicles parking on the adjacent street. Would also have the potential to lead to an increase in traffic movements on the busy Bye Pass Road to the detriment of highway safety
- Design and appearance – due to the increase in height this would result in an obtrusive and unsightly development.

5.8 In relation to the amended plans, these were received following the implementation of changed notification procedures following the Coronavirus pandemic so all those who had provided an email address were notified by email (4 respondents), one site notice was posted on Perkins Way and one site notice was posted outside the site. No re-consultation letters were sent out in the post (i.e. those who did not provide an email address with their comments and those who did not comment and were consulted originally were not sent letters in line with the Council's amended procedures). Two further objections were received following re-consultation on the amended scheme for a single storey extension. The grounds of objection were:

- The extension would be very close to the neighbouring garden and the rear of the house, negatively impacting on day to day living and well-being
- Questions whether the need to accommodate one or two more people would outweigh the detrimental effect of the proposed construction on Perkins Way residents
- Disruption during construction – disproportionate to the outcome of the proposal
- Unlikely that space for two additional vehicles would be available, which would exacerbate existing problems getting in and out of Perkins Way onto Bye Pass Road, should residents choose to park there
- The windows in the rear elevation would overlook neighbouring property
- The council should put an end to any further applications, given the repeated objections over the years.

## 6 Assessment

6.1 The main issues for consideration are the density of development; design and appearance; impact on neighbouring occupiers and existing and future occupiers; and impact on flood risk.

### 6.2 **Principle**

6.2.1 The principle of residential development is acceptable subject to details of the design and to the assessment of the impact on the amenities of the occupiers of nearby properties and the flats and flood risk.

### 6.3 Design, Appearance and Density of Development

- 6.3.1 The prevailing character in the immediate area is one of two storey, mainly detached dwellings of a similar height and massing. As the planning history shows, a three storey building on the application site has been considered inappropriate due to the change in character of the area, and that three storeys would be an incongruous feature in the street scene. The proposal to raise the height of the roof to the north section of the building, which would have seen a hipped roof change to a gable roof, would have, for the same reasons, failed to respect the established scale and rhythm of development of the street scene, to the detriment of the character of the area.
- 6.3.2 The two storey rear extension would have had a hipped roof and would have been proportionally similar in scale to the host building. The extension would however, have created an unacceptable increase in the density of development on the site, as it would have resulted in the loss or significant reduction in the amount of usable outdoor amenity space and would have failed to respect the established grain and density of development in the surrounding area.
- 6.3.3 It is considered that the single storey extension as proposed, having a similar footprint to the original two storey submission, would still fail to respect the established grain and density of development, for the same reasons.

### 6.4 Amenity

- 6.4.1 The two storey extension would have had an unacceptable impact on the amenity of neighbouring occupiers due both to the proximity of the building to the existing dwellings, being a minimum of 10m from the rear elevation of the closest property on Perkins Way, and adjacent to the common boundary with 176 Bye Pass Road, and due to the positioning of windows including Juliette style balconies on the north west and south west elevations. The two storey extension would have resulted in a loss of light, outlook and privacy for the occupants of these properties.
- 6.4.2 In regard to the amended proposal which sees a single storey rear extension, this has removed in part the concern in regard to loss of privacy as the first floor has been omitted. Notwithstanding this, it is considered that the siting of the rear extension would appear overbearing particularly for the occupants of 85 and 87 Perkins Way, and 176 Bye Pass Road. As such it is considered that the extension would have an unacceptable impact on the amenities of the occupants of neighbouring property.
- 6.4.3 In regard to the amenities of the occupiers of the flats, it is considered that the amenities of the occupants of flat 2 within the existing building would be compromised as the bedroom windows would either face the boundary and side elevation to no. 176, resulting in loss of outlook and access to light, or would face directly onto the rear entrance area to the building and entrance to the new flat, which would result in loss of privacy. The siting of the rear extension would see a considerable loss of external private amenity area, to the detriment of the occupiers of the flats.

- 6.4.4 The additional one bedroom flat would have an internal floor space of just over 40 square metres. It is recommended by the DCLG's Technical Housing Standards – nationally described space standard that a minimum of 37 square metres be provided for a one person one bedroom dwelling. The internal floor area of the proposed flat is 3.5 square metres above the minimum standard and is therefore considered to be an acceptable size.

## 6.5 Highway Safety

- 6.5.1 The Highways Authority would require a parking layout as the parking spaces on the frontage are not currently marked out, in order to assess any impact. Should the application be otherwise found to be acceptable, a parking layout would have been requested. Notwithstanding this, it is considered that the addition of one flat would not have a significant detrimental impact on highway safety or cause a significant impact on the amenity of neighbours in terms of an increase in on-street parking nearby.

## 6.6 Flood Risk

- 6.6.1 The site is within Flood Zones 2 and 3. The Environment Agency considered that the submitted Flood Risk Assessment (FRA) does not comply with the requirements for site-specific FRA's. The EA advise that the objection could potentially be overcome with the submission of a revised FRA, however, none was submitted and in the absence of an acceptable FRA, the proposed development is recommended for refusal on this ground.

## 7 Planning Balance

- 7.1 There is a benefit of the provision of an additional dwelling. However, it is considered that the benefit is not outweighed by the negative impact in terms of the density of the development, the lack of a satisfactory FRA and the impact on the amenities of both the occupiers of neighbouring property and of the occupiers of the flats.

## 8 Conclusion

- 8.1 The proposed development of a single storey extension to create one flat would have an unacceptable impact on both the amenities of the occupiers of nearby property and the flat occupiers, and would fail to respect the established character and grain of development in the area, resulting in an overdevelopment of the site. An inadequate FRA has been submitted so the acceptability of the development in terms of flood risk has not been established.

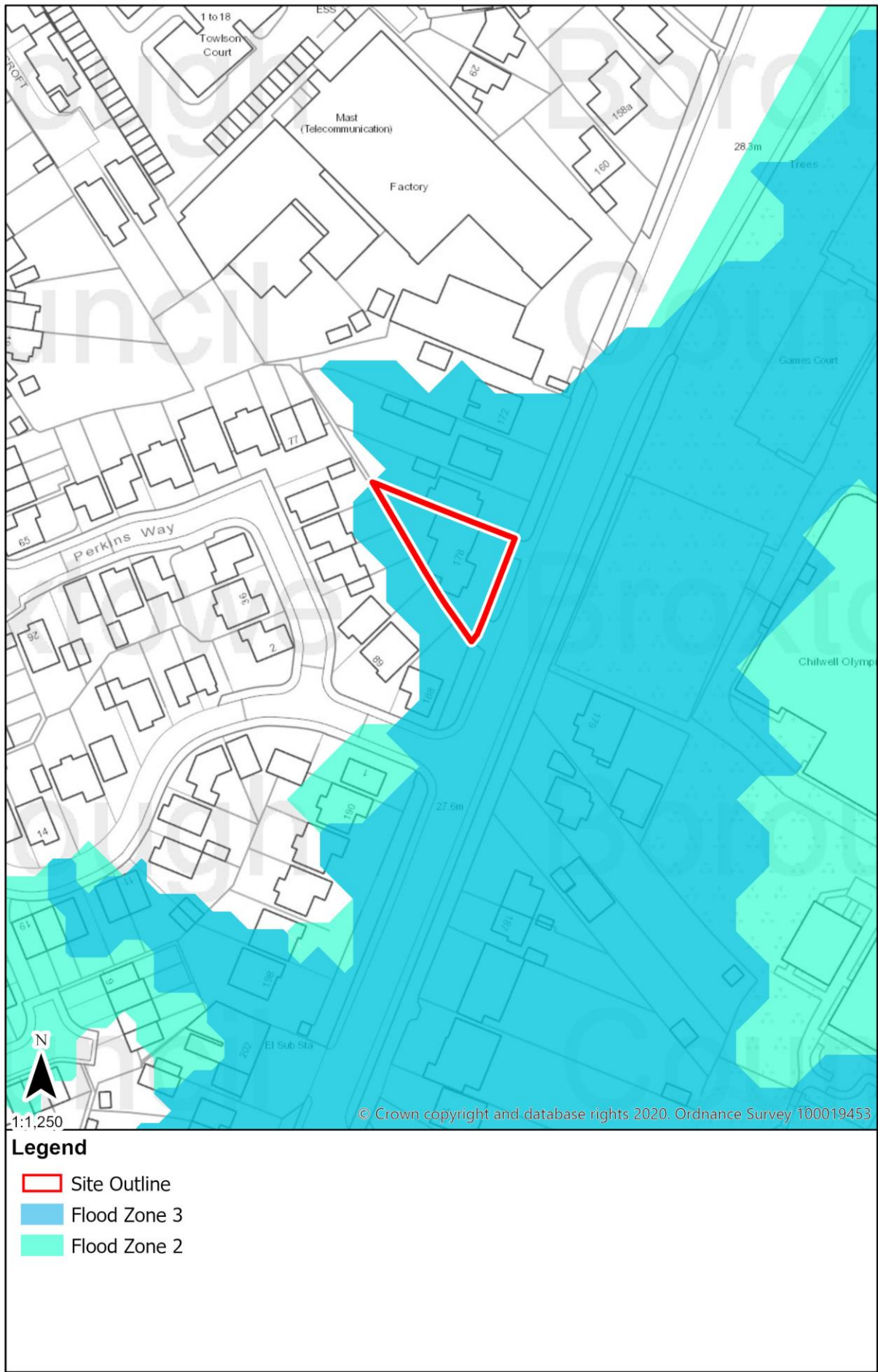
### **Recommendation**

**The Committee is asked to RESOLVE that planning permission be refused for the following reasons:**

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| 1. The proposed development, by virtue of its size, siting within |
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	<p>the rear garden and its proximity to the adjacent boundaries, would have an overbearing impact on the occupiers of properties on Perkins Way and on the occupiers of 176 Bye Pass Road. The development would result in a poor standard of accommodation for the existing occupiers of flat 2, by virtue of the re-located windows which would result in a poor outlook and loss of privacy and would result in the loss of private outdoor amenity space to the detriment of the occupiers of the flats. The development would therefore be contrary to the aims of Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019).</p> <p>2. The proposal is considered to be an over-intensive form of development which would be out of character with the established pattern and density of development in the surrounding area. The development would therefore be contrary to the aims of Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019).</p> <p>3. The site is located in Flood Zones 2 and 3 and insufficient information has been submitted to demonstrate that flood risk matters have been adequately considered. Accordingly, the proposal is contrary to the aims of Policies 1 and 10 of the Aligned Core Strategy (2014), Policies 1 and 17 of the Broxtowe Part 2 Local Plan (2019) and the National Planning Policy Framework.</p>
	<b>NOTE TO APPLICANT</b>
1.	<p>Whilst it has not been possible to achieve a positive outcome, due to the fundamental concerns regarding the development, the Council has acted positively and proactively in the determination of this application and a decision was issued within the agreed determination period.</p>





Photographs



Front elevation to the site



178 Bye Pass Road with 176 to the right.



Rear elevations of 87 and 89 Perkins Way can be seen to the left of 178, with other dwellings along Perkins Way beyond



Rear elevation of site



Rear elevation of 176 Bye Pass Road, which is to the north east of the site



Rear of 176 Bye Pass Road





Obscurely glazed window in the side elevation of 176 Bye Pass Road



Common boundary to properties on Perkins Way



Rear elevations of 81, 83 and 85 Perkins Way facing the site



Common boundary to 176 to the right of the photo



Front elevation of 87 Perkins Way



Plans (not to scale)

