

## Report of the Chief Executive

<b>APPLICATION NUMBER:</b>	<b>20/00334/MMA</b>
<b>LOCATION:</b>	<b>51A MILL ROAD NEWTHORPE NOTTINGHAMSHIRE</b>
<b>PROPOSAL:</b>	<b>MINOR MATERIAL AMENDMENT TO REFERENCE 17/00285/FUL TO MAKE MINOR CHANGES TO ELEVATION DETAILS</b>

Councillor J Parker has requested this application be determined by Committee.

1 Executive Summary

1.1 This application seeks minor material amendments to elevation details relating to planning permission reference number 17/00285/FUL, which was allowed at appeal by the Planning Inspectorate to construct a detached single storey dwelling on land to the rear of numbers 51A and 51B Mill Road.

1.2 The proposed changes are detailed as follows:

**Side elevation (adjacent boundary with number 53 Mill Road)**

- Removal of patio doors to bedrooms 1 and 2;
- New small window to bedroom 2;
- Small en-suite window remains;
- 2 roof lights positioned at a high level (above 2.4m).

**Front elevation (facing the rear of number 51A Mill Road)**

- New window to bedroom 1;
- Removal of entrance porch
- 1 small roof light positioned at a high level (above 2.4m).

**Rear elevation (facing side of 11 Kirby Close)**

- Utility door and small window;
- Smaller window to bedroom 3;
- 2 roof light positioned at a high level (above 2.4m).

**Side elevation (facing into garden serving dwelling)**

- Removal of large bi – folding doors serving lounge/kitchen area and smaller bi – folding doors serving a bedroom replaced with a window and a single door and patio doors serving the lounge/kitchen area.
- The overall roof height remains the same with 2.4m high eaves and an overall height to ridge of 4.5m.

1.3 The principle of the development on this site has been established through the granting of planning permission by the Planning Inspectorate 17/00285/FUL. The main considerations in the determination of this Minor Material Amendment application (MMA) are the impact of the changes on the design of the proposed dwelling and the amenity of the immediate neighbouring properties. Given the minor nature of the changes proposed to the approved elevation details, the

Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix.

**Appendix 1**

**1 Details of the Application**

- 1.1 This application seeks minor material amendments to elevation details relating to planning permission reference number 17/00285/FUL, which was allowed at appeal by the Planning Inspectorate to construct a detached single storey dwelling on land to the rear of numbers 51A and 51B Mill Road.
- 1.2 The approved dwelling is a L – shaped single storey three - bedroom property with a hipped roof. The dwelling is to be positioned to the rear of the site adjacent the boundary with number 11 Kirkby Close, wrapping around the boundary with number 53 Mill Road.

**2 Site and surroundings**

- 2.1 The site has an area of approximately 540 square metres. It forms part of the rear garden of numbers 51a and 51b Mill Road. 51a is a detached bungalow, with an existing extension to the rear of the property and 51b is a detached two storey dwelling. The site itself slopes upwards toward the south-west and is at a higher land level than the bungalows at 51a and 53 Mill Road.
- 2.2 Vehicle access to the site is taken from the existing drive off Mill Road and goes between the two dwellings to the site at the rear.
- 2.3 Mill Road is a residential area, which largely consists of detached and semi-detached, two and single storey dwellings. There are a mix of garden depths and sizes with number 51 having a significantly smaller garden than its neighbour at 51b and number 53 having a similar sized garden to number 51a and 51b.

**3 Relevant Planning History**

- 3.1 A planning application to construct a dwelling' (ref: 16/00037/FUL) was refused at Planning Committee on 20 April 2016
- 3.2 A revised application (ref: 16/00464/FUL) was also refused contrary to recommendation at Planning Committee on 13 October 2016. An appeal against the application was dismissed on 6 March 2017.
- 3.3 A further application (ref: 17/00649/FUL) was refused permission at Planning Committee on 6 December 2017. An appeal against this application was dismissed on 20 July 2018.
- 3.4 The development subject to this MMA, planning permission 17/00285/FUL was refused on 21<sup>st</sup> June 2017 by Planning Committee. The applicant appealed this decision and the proposal was allowed by the Planning Inspectorate on 20 July 2018.

**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 8: Housing Mix and Choice
- Policy 10: Design and Enhancing Local Identity

#### **4.2 Part 2 Local Plan (Draft)**

4.2.1 The Part 2 Local Plan was adopted on the 16 October 2019.

- 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 4 – Decision-making.
- Section 12 – Achieving well-designed places.

### **5 Consultations**

5.1 6 neighbouring properties were consulted by the applicant along with the posting of two site notices (Mill Road and Kirby Close), with 3 letters having been received objecting on the grounds of:

- Loss of privacy;
- Overlooking;
- Proposed changes being beyond the scope of a Minor Material Amendment;
- Consider any changes to the approved plans should be passed back to the Planning Inspectorate.

### **6 Assessment**

6.1 The main issues for consideration are the principle of development, design and the impact upon residential amenity. These will be discussed in turn as follows:

#### **6.2 Principle**

6.2.1 The principle of residential development on the land has been established through the granting of planning permission by the Planning Inspectorate under reference number 17/00285/FUL. The changes relate purely to elevation details along with a minor alteration to the roof through the removal of the front porch. The overall size, positioning, access, parking etc remains as per previously approved.

#### **6.3 Design**

6.3.1 No alterations are proposed to the siting or overall height of the dwelling as previously approved. Although the proposed porch is to be removed from the front elevation the design is still considered acceptable given the isolated location to

the rear of numbers 51A and 51B Mill Road. Furthermore, the proposed changes to the elevation details on all sides of the property in terms of fenestration detailing are considered acceptable. It is not considered the proposed changes will give rise to any significant detrimental impact upon the character of the street scene or visual amenity of the area.

#### 6.4 Amenity

- 6.4.1 Number 53 Mill Road is a bungalow with a very large curtilage, incorporating a substantial wide rear garden. The rear garden is set approximately 1m lower than the application site, which has a retaining stone wall and a 2m high close boarded timber boundary fence above. No. 53 has a garage positioned alongside the boundary with the application site, which projects some 6m beyond the rear elevation of this neighbouring property. The proposed changes to the side elevation facing the garden serving number 53 relate to the removal of patio doors serving bedrooms 1 and 2 and the provision of a small window serving bedroom 2. A small ensuite window remains. Two roof lights are proposed, however these are positioned 2.4m above ground floor level and will not give rise to any direct overlooking issues. Although a bedroom window is proposed serving bedroom 1 adjacent the boundary with number 53, albeit facing the rear of number 51A Mill Road, given the siting of the garage within the garden of number 53 and the existing boundary treatment, it is not considered the proposed changes will give any significant increase in potential overlooking or overbearing issues.
- 6.4.2 Changes proposed to the rear elevation facing number 11 Kirkby Close relate to the removal of a small bedroom window and the provision of a utility door and window. A small window is proposed serving bedroom 3. Two roof lights are proposed, however these are positioned 2.4m above ground floor level and will not give rise to any direct overlooking issues. To the side elevation facing into the garden serving the dwelling the changes proposed include the removal of bi-folding doors to the lounge/kitchen area and patio doors to bedroom 1. The bi-folding doors will be replaced with patio doors and a window to bedroom 1. Due to the siting of the utility door, window and bedroom window opening onto the side boundary with number 11, with the application site being at a slightly lower level and the patio doors and bedroom window facing into the garden of the proposed dwelling with the properties on Walker Street being a adequate facing distance away, it is not considered the changes give rise to any significant detrimental impact upon the residential amenity of the occupants of any of these properties in terms of overlooking or overbearing issues.
- 6.4.3 Proposed changes to the front of the dwelling facing the rear of number 51A Mill Road involve the removal of an entrance porch and the provision of a small window to bedroom 1. Along the boundary with the application site and number 51A there is an existing 2m high close boarded timber fence. It is not considered the changes give rise to any significant detrimental impact upon the residential amenity of number 51A Mill Road in terms of overlooking or overbearing issues.
- 6.4.4 In terms of alterations to the roof of the dwelling this involves the removal of the porch to the front and the provision of roof lights. The eaves height of the dwelling

remain as previously approved at 2.4m, with an overall height to the ridge of 4.5m.

- 6.4.5 The impact upon all other neighbouring properties is considered acceptable given the siting of the dwelling within the plot.

**7 Other Issues**

- 7.1 As part of the planning permission granted by the Planning Inspector under reference number 17/00285/FUL, various conditions were recommended. Following the granting of planning permission, the applicant has submitted an application to discharge condition 3 (materials), 4 (landscaping), 7 (driveway, parking and turning surfaces) and 9 (finished ground floor levels). These conditions have been partially satisfied and the applicant will need to comply with the agreed details. All other conditions as imposed by the Planning Inspector are recommended in relation to this application.

**8 Conclusion**

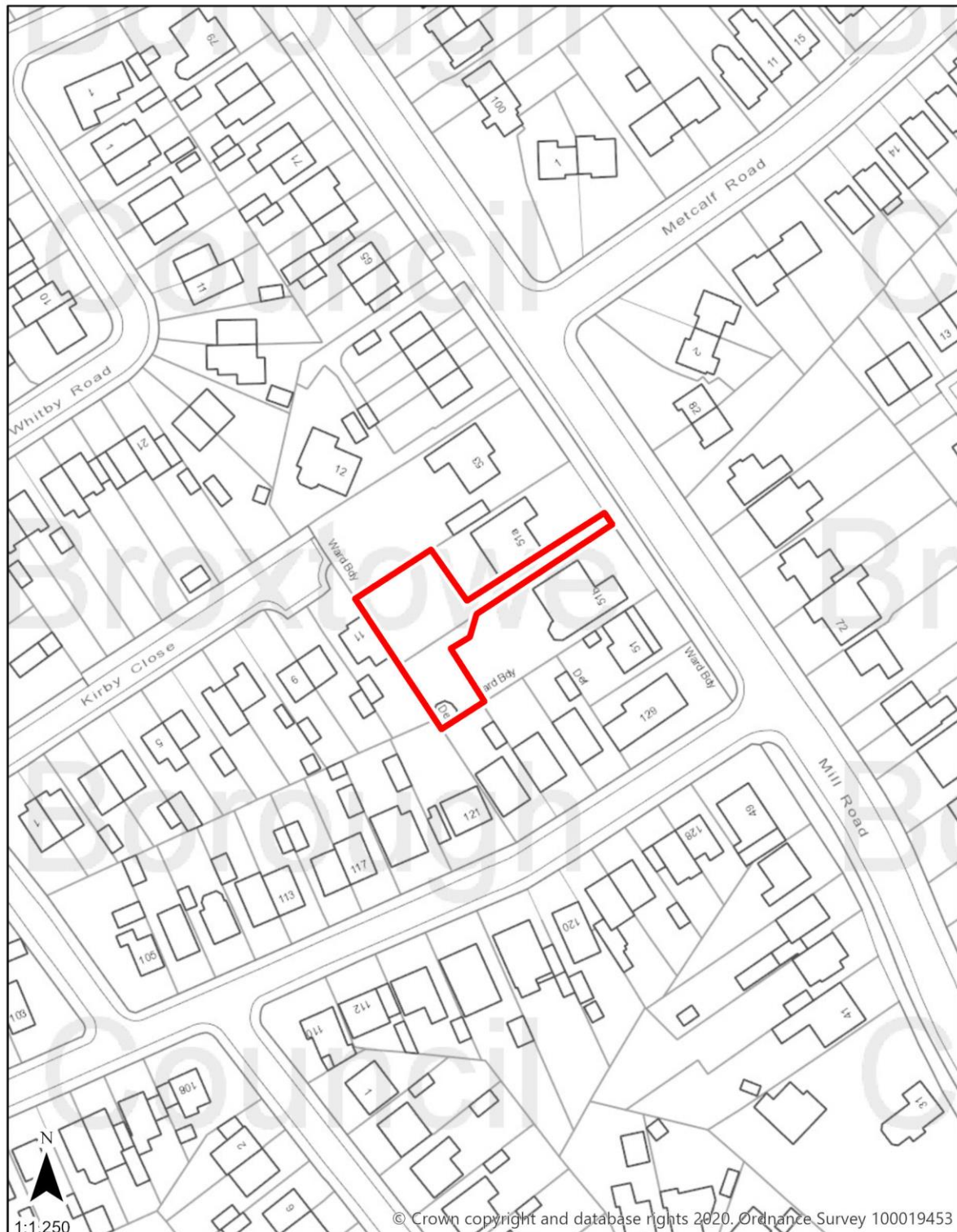
- 8.1 The proposal seeks an amendment to the previously approved scheme. The principle of development remains acceptable and the impact on residential amenity and visual amenity remain acceptable as before. The changes sought relate to minor detail changes to the previously approved elevation details as per the planning permission granted by the Planning Inspectorate under reference number 17/00285/FUL
- 8.2 Therefore, the proposal is considered to be in accordance with the relevant local and national policy guidance and there are no material considerations which would outweigh this.

<b><u>Recommendation</u></b>	
<b>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</b>	
<b>1.</b>	<b>The development hereby permitted shall be commenced before the expiration of three years beginning from the date of the original permission.</b>  <b><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></b>
<b>2.</b>	<b>The development hereby permitted shall be carried out in accordance with the following plans Site Location Plan 1: 1250, Proposed Site Plan, 2015/31/SP Rev E and Proposed Plan and Elevations, 2015/31/P3 Rev B received by the Local Planning Authority on 25 May 2020.</b>  <b><i>Reason: For the avoidance of doubt.</i></b>
<b>3.</b>	<b>The development shall be carried out in accordance with the</b>

	<p>following details: Weberpral M One Coat through-coloured monocouche render in Silver Pearl and Marley Modern smooth grey roof tiles approved 20 May 2019, unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy 17 of the Part 2 Local Plan (2019).</i></p>
4.	<p>The approved landscaping as shown on plan 2015/31/SP/ Rev D approved on 07 May 2019 shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building(s), whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p><i>Reason: To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy 17 of the Part 2 Local Plan (2019).</i></p>
4.	<p>The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. 2015/31/SP Rev E (received 25.05.2020) for cars to be parked and that space shall thereafter be available for the parking of vehicles at all times.</p> <p><i>Reason: In the interests of highway safety.</i></p>
5.	<p>The driveway, parking and turning areas shall be surfaced using Marshall Drivesetts in accordance with the submitted details approved on the 20 May 2019, unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of highway safety.</i></p>
6.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or enlargements to the dwellinghouse hereby permitted shall be erected.</p> <p><i>Reason: In the interests of residential amenity and the appearance of the area and in accordance with Policy 17 of the Part 2 Local Plan (2019).</i></p>
7.	<p>The finished floor levels of the hereby approved dwelling shall be set out in accordance with drawing number 4405ia approved 20 May 2019, unless otherwise agreed in writing by the Local Planning Authority</p> <p><i>Reason: In the interests of residential amenity and the appearance of the area and in accordance with Policy 17 of the Part 2 Local Plan (2019).</i></p>

	<b>NOTES TO APPLICANT</b>
<b>1.</b>	<b>The Council has acted positively and proactively in the determination of this application, through an early visit to the site to appreciate whether any amendments needed to be sought and thus afford sufficient time to negotiate these should it have been the case.</b>





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**Legend**

 Site Outline

**Photographs**

View of access from Mill Road and within site



Boundary with 51A and 53 Mill Road



Boundary with 53 Mill Road



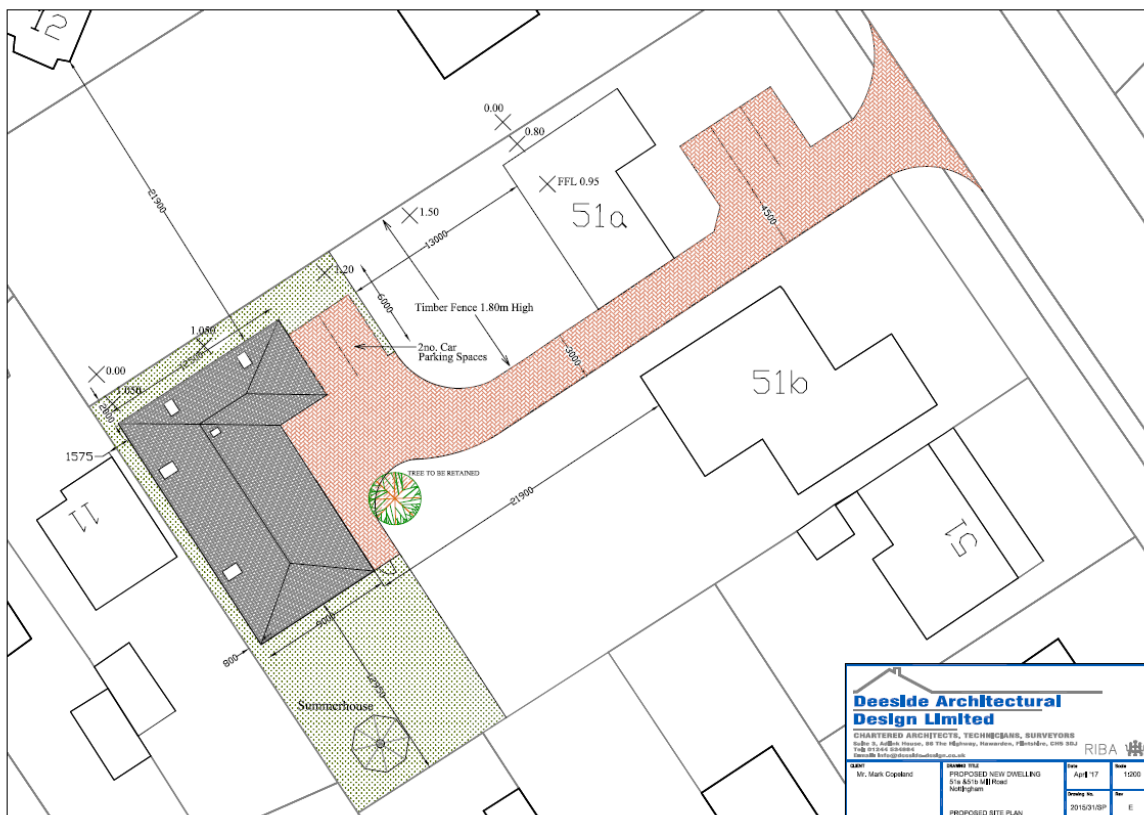
Side elevation and rear of 11 Kirby Close



Proposed garden area.



**Plans (not to scale)**



2017/00285/FUL – Approved Elevations, Floor Plans and Site Plan

This drawing is copyright. Do not scale from prints. Contractors are to check all dimensions on site before ordering materials.

GROUND FLOOR PLAN

FRONT ELEVATION

REAR ELEVATION

SIDE ELEVATION

SIDE ELEVATION

Bromtave Borough Council  
Planning & Community Development  
24 APR 2017

**Deeside Architectural Design Limited**  
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Tel: 01754 554848  
Email: deesidearchitecturaldesign@gmail.com

NO	REVISION	AMENDMENT	DATE
1		PROPOSED PLAN & ELEVATIONS	2016/01/03

DATE	APPROVED BY	SCALE
16/04/17	Mr. Mark Copple	1:100

51a

51b

51

1575

Timber Fence 1.80m High

2m Car Parking Spaces

Summerhouse

TRAIL TO BE RETAINED

Bromtave Borough Council  
Planning & Community Development  
24 APR 2017

**Deeside Architectural Design Limited**  
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NO	REVISION	AMENDMENT	DATE
1		PROPOSED SITE PLAN	2016/01/03

DATE	APPROVED BY	SCALE
16/04/17	Mr. Mark Copple	1:200