

Report of the Chief Executive

<b>APPLICATION NUMBER:</b>	<b>19/00728/FUL</b>
<b>LOCATION:</b>	<b>235 DERBY ROAD, BEESTON, NOTTINGHAMSHIRE, NG9 3AZ</b>
<b>PROPOSAL:</b>	<b>RETAIN FRONT EXTENSION, WINDOWS AND DOORS IN REAR EXTENSION, JULIET BALCONY, REAR EXTENSION ROOF AND CONSERVATORY</b>

Councillor D. Watts has requested this application be determined by Planning Committee.

1 Executive Summary

- 1.1 This application seeks permission to retain a front extension, windows and doors in the rear extension, a Juliet balcony, rear extension roof and conservatory. The front extension is 2.2m to the eaves and 3.3m to the ridge. It projects 4.1m from the main house, is 11.2m from Derby Road and is built up to the boundary with no. 233. The front extension has two blank side elevations and a bay window in the north (front) elevation. The extension serves a bedroom.
- 1.2 A first floor window with six lights and patio doors are in the south (rear) elevation of the first floor rear extension. A first floor obscurely glazed, non-opening window is in the east (side) elevation. A roof light is in each side roof slope of the first floor rear extension. A Juliet balcony with double doors and obscure glazing are in the west (side) elevation of the first floor rear extension. The rear extension roof does not adjoin the main house and has a height to ridge of 8.9m (previously approved as 7.9m under 15/00255/FUL).
- 1.3 This application is the result of an application (15/00255/FUL) that was approved in May 2015 to construct a first floor rear extension and single storey side/rear extension which was not built in accordance with the plans. An enforcement case (19/00054/ENF) was raised against the unauthorised elements and presented at October’s Planning Committee. This was due to a failure to submit a retrospective planning application for the front extension and a non-material amendment for the alterations to the rear elevation. The report detailed the following:

*It is considered expedient to proceed with enforcement action for the breaches related to the balcony and the first floor windows in the east side elevation and west side elevation which have not been obscurely glazed. It is unlikely that planning permission would be granted for these alterations, as they overlook the neighbouring properties, resulting in a significant loss of privacy.*

*As the front extension is single storey, set back from the main road by approximately 10m and has been rendered white with a black fascia to match that*

*of the original dwelling, it is considered to be acceptable in respect of design and would not have an unacceptable impact on neighbours.*

*The alterations to the rear elevation which include a roof design alteration, a smaller window, French doors, roof windows set further back and the alterations to the mock-Tudor cladding are deemed to have no undue impact on the privacy and amenity of the immediate neighbouring residents and are considered acceptable in respect of design as they are in keeping with the style of the original dwelling.*

- 1.4 The rear conservatory was not built in accordance with the 15/00255/FUL plans. It was concluded through the 16/00121/ENF case that action would only be taken against the finish of the east (side) wall. However, the plans submitted with this application include the amendments. The conservatory has an overall height of 4.1m (including the roof lantern). There are windows and a door in the south (rear) elevation, window in the east (side) elevation and it has a blank west (side) elevation.
- 1.5 This application seeks to regularise all of the alterations that have been carried out on the property that were not in accordance with the 15/00255/FUL permission.
- 1.6 The main issues relate to whether the principle of the extensions and alterations are acceptable, if there is an acceptable level of design and the impact on neighbour amenity.
- 1.7 The benefits of the proposal would mean the extensions and alterations are regularised under one planning application and would be in accordance with policies contained within the development plan which is given significant weight. There is some impact on neighbour amenity but this matter is considered to be outweighed by the benefits of the scheme.
- 1.8 The Committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix.

Appendix 1

1 Details of the Application

- 1.1 This application seeks permission to retain a front extension, windows and doors in the rear extension, a Juliet balcony, rear extension roof and conservatory. The front extension is 2.2m to the eaves and 3.3m to the ridge. It projects 4.1m from the main house, is 11.2m from Derby Road and is built up to the boundary with no. 233. The front extension has two blank side elevations and a bay window in the north (front) elevation. The extension serves a bedroom.
- 1.2 A first floor window with six lights and patio doors are in the south (rear) elevation of the rear extension. A first floor obscurely glazed, non-opening window is in the east (side) elevation. A roof light is in each side roof slope of the first floor rear extension. A Juliet balcony with double doors and obscure glazing are in the west (side) elevation of the first floor rear extension. The first floor rear extension roof does not adjoin the main house.
- 1.3 The rear conservatory was not built in accordance with the 15/00255/FUL plans. It was concluded through the 16/00121/ENF case that action would only be taken against the finish of the east (side) wall. However, the plans submitted with this application include the amendments. The conservatory has an overall height of 4.1m (including the roof lantern). There are windows and a door in the south (rear) elevation, window in the east (side) elevation and it has a blank west (side) elevation.

**15/00255/FUL plans approved:**

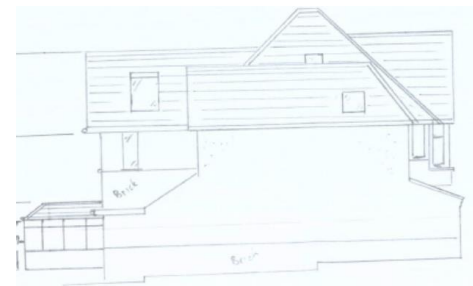


Rear elevation

**19/00728/FUL as built:**



West (side) elevation



East (side) elevation



South (rear) elevation elevation



West (side) elevation



East (side)

## 2 Site and surroundings

- 2.1 The application site comprises a detached, residential property that until recently operated partly as a cattery. During the course of the application, the cattery ceased operations from the property and the cattery buildings were removed from the rear garden.
- 2.2 The rear, east/west boundaries with nos. 233 and 237 have a 2m high curved top fence. The rear boundary is a 2.5m high white brick wall. The front, east boundary with no. 233 consists of a 1m high white rendered wall and front extension belonging to the application property. The front, west boundary is a 2m high curved top trellis fence. The boundary with Derby Road is a 1.2m high brick wall with brick piers.
- 2.3 The site lies within a residential area. The land slopes down gradually from Derby Road to the house. There is a raised patio serving access to the rear of the conservatory into the garden. The garden is relatively flat.
- 2.4 Nos. 233 and 237 are both detached houses positioned to the east and west of the house respectively. Nos. 16 and 18 Keswick Close are detached houses positioned to the south and south west of the property respectively.

## 3 Relevant Planning History

- 3.1 An application for a dormer window and rear conservatory (02/00628/FUL) was granted permission in October 2002.
- 3.2 An application for a single storey and two storey side extensions (08/00315/FUL) was granted permission in May 2008.
- 3.3 An application for a cattery (09/00590/FUL) was granted permission in November 2009.
- 3.4 An application to extend the existing cattery from 12 to 17 pens and raise the height of the rear boundary to 2.5m (12/00484/FUL) was granted permission in October 2012.
- 3.5 An application to construct a first floor extension and single storey side/rear extension (15/00255/FUL) was granted permission in May 2015.

## 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 10: Design and Enhancing Local Identity

### 4.2 **Part 2 Local Plan**

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) 2019:**

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 12 – Achieving Well-designed Places

5 Consultations

5.1 4 neighbouring properties were consulted, 3 responses were received, 1 raising no objection and 2 raising objections (one containing photos of the front and rear extension) which can be summarised as follows:

- Front extension encloses front of property and gutter overhangs
- Balcony overlooks and is not in keeping with surrounding area
- Noise and disturbance created from building works
- The balcony doors still have clear glazing
- The rear roof tiles of the extension do not match the main house
- The rear extension windows were not fitted in accordance with the original plans and the Council had to enforce that the east (side) window was changed to obscure glazing
- Ridge height of rear extension appears to be higher than the previous planning permission which compromises ability to enjoy part of patio
- Plans submitted appear unprofessional and do not show neighbouring property
- Rear extension has an open gutter meaning water pours onto neighbouring property
- During construction, neighbouring garden was trampled and had to clean up brick, rubble, cement and insulation debris
- Cost of painting wall due to it looking unsightly
- Unblocking of drains from rubble, especially when cattery was removed
- Concerns over quality and building safety
- Front extension compromises the parking spaces requirement from the cattery permission.

6 Assessment

6.1 The main issues relate to whether the principle of the extensions and alterations are acceptable, if there is an acceptable level of design and the impact on neighbour amenity.

6.2 **Principle**

6.2.1 Derby Road is a main road formed of houses varying in size and character, consisting of bungalows, terrace, semi-detached and detached houses. A number of properties have had permission for extensions within close proximity to the application property (nos. 232, 237, 229 Derby Road and 16 Keswick Close).

6.2.2 Whilst it is acknowledged the property has undergone a significant amount of changes in regards to constructing a cattery and the extensions and alterations to the main house which have not been built in accordance with the 15/00255/FUL permission, this application seeks to regularise these changes.

6.2.3 The cattery has been removed and the application solely relates to the extensions and alterations to the main house. It is considered the extensions and alterations to the main property are acceptable and not dissimilar to the size and scale of other extensions that have been approved in the borough. The matters of design and neighbour amenity will be addressed below.

### 6.3 **Amenity**

6.3.1 The properties that are mostly impacted by the extensions and alterations are nos. 233 and 237.

6.3.2 During the course of the application, the balcony was removed and changed to a Juliet balcony (see photos at end of report). A window was previously approved under the 15/00255/FUL application. The double doors serving the Juliet balcony open inwards and both have obscure glazing. The neighbour that is mostly impacted by this is no. 237 but due to the amendments stated above, it is considered the level of overlooking has been reduced to an acceptable level. As the Juliet balcony is positioned in the west (side) elevation of the rear extension, it is not visible to no. 233 and therefore has no impact on their amenity.

6.3.3 The front extension is built up to the boundary with no. 233. Whilst it is accepted this projects 4.1m beyond the front of the application property, the projection beyond no. 233's front elevation is approximately 2.7m with a separation distance of approximately 2m between both properties. The east (side) elevation is blank. As the extension is single storey, positioned to the front of the property and has a blank east (side) elevation, it is considered there is not a detrimental impact on the amenity of the occupants of no. 233. Due to the separation distance, it is considered the extension has minimal impact on the amenity of the occupants of no. 237.

6.3.4 The first floor rear extension roof does not adjoin the main house and has a height to ridge of 8.9m. Whilst it is acknowledged this is 1m higher than the 15/00255/FUL permission, the extension is relatively centralised within the plot and is a minimum separation distance of 3.5m from all neighbouring boundaries. Nos. 233 and 237 both have sizeable south facing rear gardens which still receive an adequate amount of light that the extension does not cause a significant impact on the amenity of these neighbouring properties. In relation to the first floor east (side) facing window in the extension, this has been obscurely glazed and is non-opening and therefore it is considered there is not any loss of privacy to no. 233. As the window is in the east elevation, it will not be visible to no. 237 and therefore has no impact on their amenity.

6.3.5 To ensure the first floor east (side) facing window and Juliet balcony doors remain obscurely glazed, these will be conditioned. A condition will also be included to

ensure the first floor area that previously served as a balcony is not permitted to be used as such.

- 6.3.6 In the committee report for the 19/00054/ENF case, the following was concluded in respect of the smaller changes to the extensions:

*“The alterations to the rear elevation which include a roof design alteration, a smaller window, French doors, roof windows set further back and the alterations to the mock-Tudor cladding are deemed to have no undue impact on the privacy and amenity of the immediate neighbouring residents and are considered acceptable in respect of design as they are in keeping with the style of the original dwelling.”*

These changes have been incorporated into this scheme and it is still considered that they are acceptable in relation to impact on neighbour amenity.

- 6.3.7 The conservatory is considered to be an acceptable height and footprint that it does not appear overbearing to the neighbour, no. 237. The height (4.1m) is not dissimilar to what could be constructed under permitted development. The design of the windows has been amended in this application but it is considered this has minimal impact on any adjoining neighbour. Due to the separation distance with no. 233, it is considered it has minimal impact on their amenity.
- 6.3.8 It is considered the retention of the extensions and alterations are acceptable and do not have a detrimental impact on the amenity of the occupants of nos. 233 and 237 Derby Road and nos. 16 and 18 Keswick Close.
- 6.3.9 To conclude, whilst it is acknowledged the extensions and alterations were not built in accordance with the 15/00255/FUL permission and a number of concerns have arisen in regards to previous enforcement cases, it is considered the extensions and alterations proposed for retention are acceptable in regards to neighbour impact and are not dissimilar to other extensions that have been approved in the borough.

## 6.4 Design

- 6.4.1 The design of the extensions and alterations are considered to be appropriate and in keeping with the main house in terms of style and proportions.
- 6.4.2 The single storey front extension is considered to reflect an acceptable level of design. The render matches the main house in relation to colour and texture and the red brick plinth adds detailing to break up the visual appearance of the extension but also matches the red brick plinth of the house. The rosemary tiles are considered to be acceptable. The front of the property has a large amount of detailing with different pitched roofs and mock Tudor boarding. It is considered the single storey front extension is an acceptable feature and integrates with the design appropriately.
- 6.4.3 It is considered the Juliet balcony is of an acceptable design and an appropriate size and positioning within the rear extension. Furthermore, this is a common feature seen in similar domestic extensions. The extension roof does not fully

adjoin the main roof which is considered to be an acceptable feature as this is largely obscured from view due to its positioning within the roof. Although the tiles on the rear extension may not strictly match the main house, it is still considered they are acceptable and are largely obscured from the public realm.

6.4.4 It is considered the smaller alterations to the property, as mentioned in paragraph 6.3.6, are all acceptable alterations and are in keeping with the main property.

6.4.5 It is considered the rear conservatory is an acceptable height, scale and design and is in keeping with the main house.

6.4.6 To conclude, whilst it is acknowledged the extensions and alterations were not built in accordance with the 15/00255/FUL permission and a number of concerns have arisen in regards to previous enforcement cases, it is still considered the extensions and alterations proposed for retention are acceptable in regards to design and are not dissimilar to other extensions that have been approved in the borough.

## **6.5 Other issues**

6.5.1 A number of concerns were raised in the representations received which will be addressed below.

6.5.2 Any noise and disturbance that is considered to be excessive should be reported to the Council's Environmental Health department.

6.5.3 Concerns raised in regards to costs towards painting a wall, unblocking drains, damage to a property, debris in neighbouring properties and open/overhanging guttering are not material planning considerations that can be considered with this application. These concerns should be raised directly with the applicant.

6.5.4 Concerns over the quality and safety of the extensions should be raised with Building Control.

6.5.5 The drawings are considered to be acceptable and there is no requirement for these to be drawn professionally. There is no requirement to show the neighbouring property on the plans.

6.5.6 Condition 5 of 09/00590/FUL stated the following: "The car parking area identified on drawing no. TO/LG/07/120/12 REV A shall hereafter be kept available for use for the parking of vehicles in connection with the approved development and the existing residential use of the site." Concerns have been raised that the front extension compromises the parking layout in connection with this condition. However, the cattery has ceased trading and therefore it is unlikely enforcement action would be taken against this. Furthermore, the referenced plan shows four spaces on the frontage and even with the front extension, it is likely that four spaces can still be accommodated.

## **7 Planning Balance**



7.1 The benefits of the proposal would mean the extensions and alterations are regularised under one planning application and would be in accordance with policies contained within the development plan which is given significant weight. Whilst it is acknowledged there is some impact on the amenity of neighbours, this is outweighed by the benefits of the scheme stated above.

8 Conclusion

8.1 To conclude, it is considered the extensions and alterations reflect an acceptable level of design that are in keeping with the main house. It is considered the extensions and alterations do not have an unacceptable impact on neighbour amenity and sufficient parking is still available to the front of the property.

<b><u>Recommendation</u></b>	
<p><b>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</b></p>	
1.	<p><b>The development hereby permitted shall be retained in accordance with drawings:</b></p> <p><b>Received by the Local Planning Authority on 3 December 2019:</b></p> <ul style="list-style-type: none"> <li>• <b>Site Location Plan (1:1250)</b></li> </ul> <p><b>Received by the Local Planning Authority on 27 May 2020:</b></p> <ul style="list-style-type: none"> <li>• <b>Proposed Ground Floor Plans</b></li> <li>• <b>Proposed First Floor Plans</b></li> <li>• <b>Proposed Side (West) Elevation</b></li> <li>• <b>Proposed Front (North) Elevation</b></li> <li>• <b>Proposed Block Plan</b></li> </ul> <p><b>Received by the Local Planning Authority on 8 July 2020:</b></p> <ul style="list-style-type: none"> <li>• <b>Proposed Side (East) Elevation</b></li> <li>• <b>Proposed Rear (South) Elevation</b></li> </ul> <p><b><i>Reason: For the avoidance of doubt.</i></b></p>
2.	<p><b>The first floor window in the east (side) elevation of the first floor rear extension shall be retained with glazing of Pilkington Level 4 or 5 (or equivalent) and remain fixed shut and retained in this form for the lifetime of the development.</b></p> <p><b><i>Reason: In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></b></p>

<p>3.</p>	<p>The Juliet balcony doors in the west (side) elevation of the first floor rear extension shall be retained with glazing of Pilkington Level 4 or 5 (or equivalent) and retained in this form for the lifetime of the development.</p> <p><i>Reason: In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>4.</p>	<p>No part of the flat roof beyond the Juliet balcony shown on the block plan shall be used as a balcony, sun terrace or similar amenity space.</p> <p><i>Reason: In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p><b>NOTES TO APPLICANT</b></p>	
<p>1.</p>	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>

**Map**



Photographs



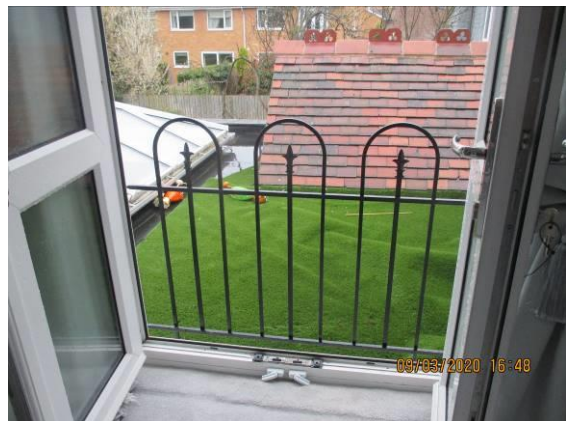
North (front) elevation



No. 233 to the left and front extension of no. 235



South (rear) elevation (cattery since removed)



Juliet balcony in west (side) elevation (with obscure glazing)



South (rear) elevation of main house and no. 233 to the right



First floor east (side) window in rear extension

Photos

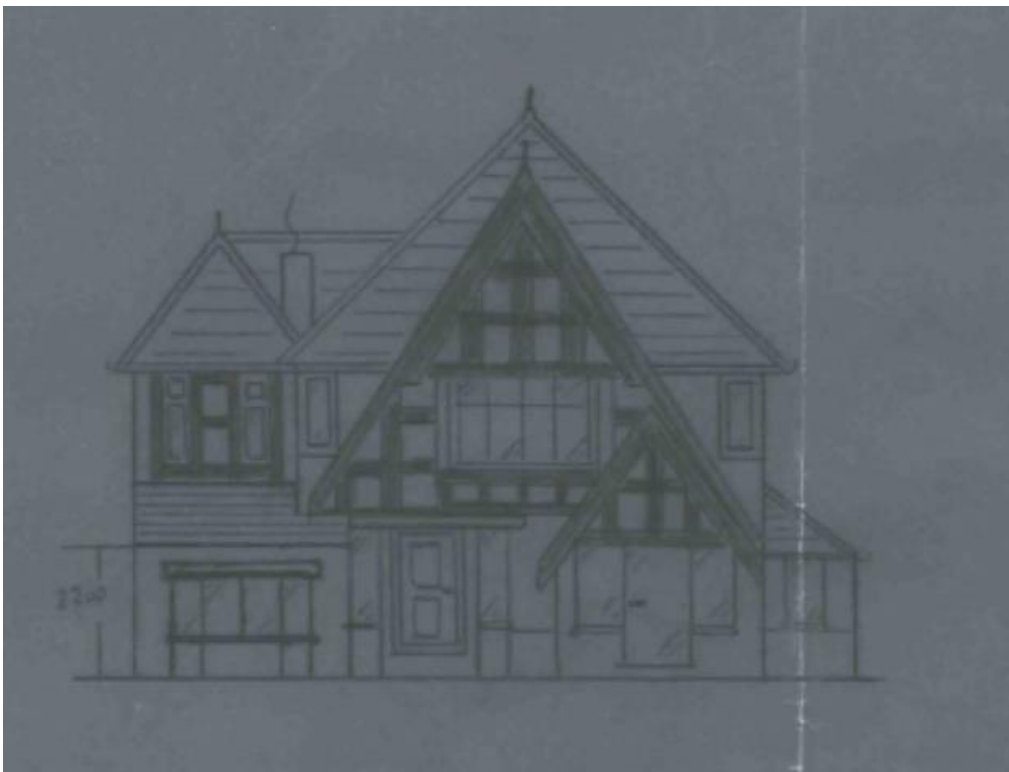


South (rear) elevation showing cattery removed

Plans (not to scale)



*Block Plan*



*North (front) elevation*

Plans (not to scale)

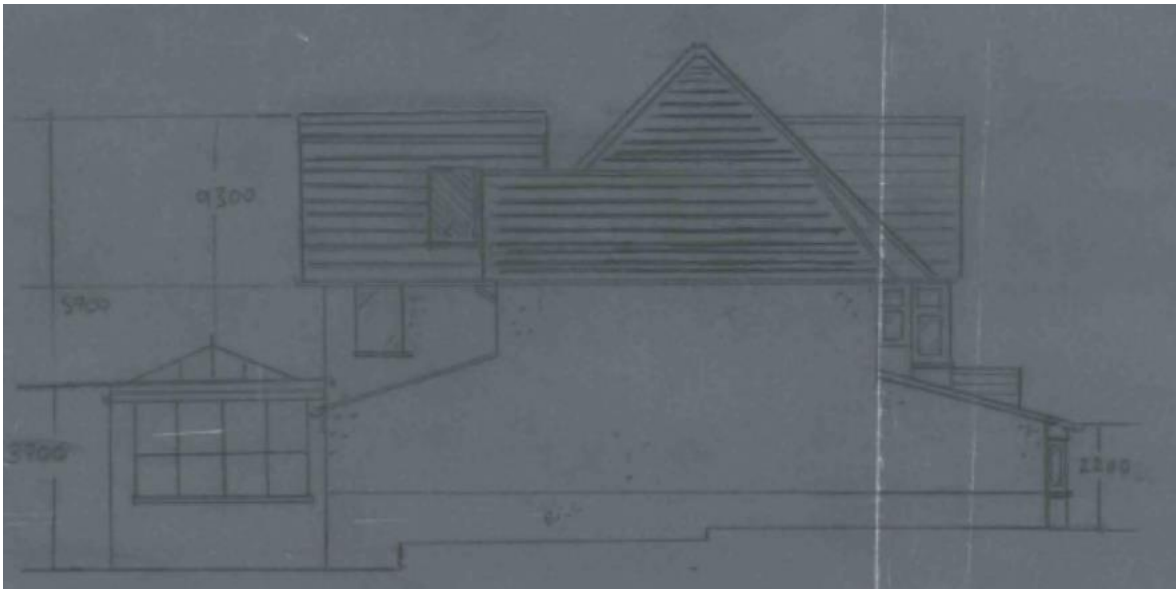


South (rear) elevation



West (side) elevation

Plans (not to scale)



East (side) elevation