

**Report of the Director of Planning and Community Development****05/00647/FUL  
CONSTRUCT DETACHED DWELLING AND DOUBLE GARAGE  
(REVISED SCHEME)  
TEMPLE LAKE, KIMBERLEY ROAD, NUTHALL**

Councillor Owen has asked for the application to be referred to the committee in the event of a favourable recommendation.

Details of Application

The application seeks permission for revisions to a scheme that was originally approved by the committee in September 2003 and subsequently altered by minor amendments approved under delegated authority in July 2004. The proposal relates to a detached dwelling and attached garage on a site of approximately 0.2 ha in area that forms part of a larger site owned by the applicant which includes Temple Lake itself. Construction work commenced in March 2005 and a substantial part of the dwelling has now been completed.

The revisions that are now being considered involve the replacement of two dormer windows to the single storey north elevation (above the garage) with rooflights, the replacement of a pitched roof conservatory with a flat roofed orangery with skylight, the erection of a balcony and columns to the southern entrance, the obscure glazing of four windows on the first floor of the northern elevation, the enlargement of a bedroom window above the orangery (previously smaller as a consequence of the pitched roof) and the raising of the garage roof by 0.2m (9 inches).

Site and surroundings

The site is within Nuthall Conservation Area and, with the exception of the proposed columns and balcony to the southern entrance, lies just outside the Nottinghamshire green belt. The site formed part of the estate known as Nuthall Temple, which included Temple Lake and associated parkland. Nuthall Temple was demolished many years ago and that part of the site was subsequently taken for construction of the M1. At the time of the September 2003 committee the site did contain a two storey building formerly used as a nursing home, however, that consent granted permission for the demolition of that building upon which the new dwelling is partly situated.

Planning History

The site has a long history of applications but the most relevant is the proposal which was granted permission at committee in 2003. This scheme involved the demolition of a vacant two storey building and the erection of a detached dwelling with garage (Ref No: 03/00293/FUL) and was granted permission subject to several conditions, including the removal of permitted development rights.

In July 2004 revisions to the scheme were submitted for consideration as minor amendment to the original permission. These involved the following: the infilling of a covered way that linked the house to the garage to create an enlarged spa; an

increase in the height of the roof of the single storey garage/spa by 0.3 metres to provide an office/games room in the roof area; the replacement of one dormer on the northern elevation of the office/games room with two dormers on either side; and the repositioning of attic dormers from the west and east elevations to the north and south elevations arising from change to the internal layout.

### Policy context

PPG 3 "Housing" encourages the use of previously developed sites within urban areas for housing development as a preference to greenfield sites.

Policy H7 of the local plan states that residential development on infill sites within existing built up areas will normally be permitted provided certain criteria including access/parking, amenity, the character of the area and impact on surrounding occupiers are satisfactorily met.

PPG 15 "Planning and the Historic Environment" notes a strong presumption against development that does not preserve or enhance the character or appearance of a conservation area.

Policy E3 of the local plan relates to development within conservation areas, requiring their character and appearance to be preserved or enhanced.

PPG2 Green Belts has a general presumption against inappropriate development within the green belt. It does however, mention that limited extension, alteration or replacement of existing dwellings may constitute appropriate development. This is also referred to in Policy E8 of the Local Plan.

### Consultations

The County Council's Culture and Community department (no comments yet received)

The County Council's conservation officer: - (to follow)

The County Council's Director of Environment raises no highway objections to the proposal.

Nuthall Parish Council objects to the proposal on the grounds that it does not follow the original planning approval, that it involves encroachment into the green belt and that it is intrusive to the occupiers of the adjacent property.

Letters have been received from four local residents objecting to the proposals on the grounds that the building encroaches into the green belt, that it overshadows, overlooks and has an overbearing effect on surrounding properties, and the additional proposals will add volume to the house taking it out of character with the original design.

### Appraisal

I consider that the main issues relate to the impact upon the amenity of neighbouring residents and the character of the conservation area, whether it constitutes

appropriate development in the green belt and whether the revisions represent over intensive development of the site.

With regard to the impact on the amenity of neighbouring residents it should be noted that the siting of the building is substantially the same as previously approved. In terms of the size of the building the revised scheme includes the erection of a balcony to the south facing entrance and the raising of the garage roof by 0.25m.

Following negotiation with the applicant the revised scheme now shows the removal of the second floor dormers on the northern elevation and the replacement of the garage dormers with rooflights on the northern elevation. It also indicates that four first floor windows on this elevation that are towards the western end of the dwelling and serve a bathroom and en-suite would be obscure glazed. Concern has been expressed by neighbours that the flat roof provides potential use of the roof of the orangery as a balcony. However, the amended plans now show a glazed rooflight to this structure thereby making it impracticable to use it as a balcony. The applicant has also confirmed in writing that there is no intention to use this area as a balcony. On the basis of those amendments it is my opinion that there would be no additional impact on the privacy of adjacent residents compared to the situation when the scheme was originally approved by committee. It is also considered that an additional increase in the height of the garages/games room roof by 0.2m resulting in an overall increase of 0.55m from the original scheme would not have a significant overbearing or overshadowing impact upon the adjacent bungalow.

In terms of the impact upon the conservation area it is evident from the revised plans that the location, scale and design of the dwelling is similar to that approved previously. Most of the main alterations to the dwelling, such as the dormer windows and balcony, are situated on the southern elevation which would not be visible from the surrounding dwellings and are these also considered to be in keeping with the appearance of the building. Whilst the internal floor area has increased with the infilling of the space between the garage and main house, this does not increase the external physical volume of the building and in any event has been balanced by the removal of the more prominent hipped roof on the orangery.

The proposed balcony and columns would involve a minor encroachment of this part of the dwelling into the green belt, the boundary of which runs adjacent to the southern elevation of the building. The balcony to the entrance of the property would project 3.2m from the southern elevation, approximately half of which would encroach into the green belt. Given that this would represent a relatively small encroachment and that the mature woodland would provide adequate screening from the lake, it is my opinion that this element of the proposal would not have a significant effect on the openness of the surrounding countryside nor erode the value of green belt in this location.

In conclusion therefore I am of the opinion that the proposed amendments do not represent a significantly different development to that previously approved at committee and that there would be additional impact on the amenity of neighbouring residents, character of the conservation area and openness of the green belt would not be significant. I therefore recommend that the proposals should be supported.

**Recommendation**

The committee is asked to **RESOLVE** that planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be commenced before the expiration of 5 years from the date of this permission.**
- 2. No building operations shall be carried out until details of the manufacturer, type and colour of the bricks and tiles to be used in facing walls and roofs have been submitted to and approved in writing by the local planning authority and the development shall be constructed only in accordance with those details.**
- 3. The erection of fencing for the protection of protected trees within and immediately adjacent to the development site shall be undertaken in accordance with details to be submitted to and approved by the local planning authority before and equipment, machinery or materials are brought to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the consent of the local planning authority.**
- 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no extensions or other structures shall be added to the dwelling house nor erected within the curtilage of the site as defined by the red edge on the submitted details.**

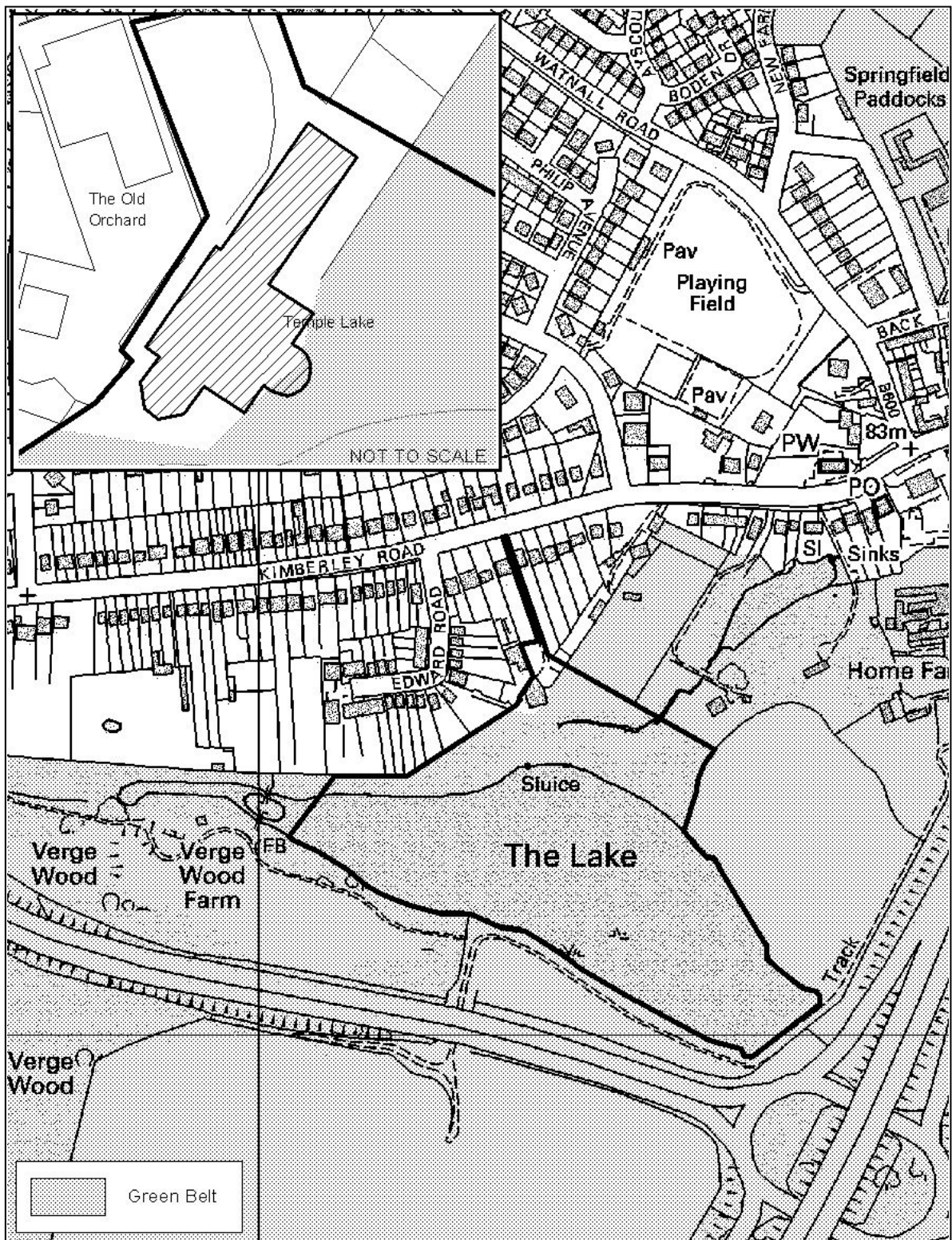
**Background Papers**

Observations of the County Council Culture and Community department dated 8 September 2005

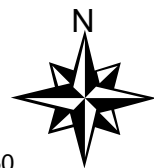
Observations of the County Council as highway authority dated 19 September 2005

Observations of Nuthall Parish Council dated 6 September 2005

Letters from local residents dated 22 August, 28 August, 29 August, 31 August, 1 September, 2 September, 15 September, 19 September, 23 September 2005



Temple Lake, Nuthall



Development Control Committee 19<sup>th</sup> October 2005

Scale: 1: 1,250

**Directorate of Planning & Community Development: Director P. M. Stone**

Reproduced from Ordnance Survey map with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright 2005  
BROXTOWE BOROUGH COUNCIL LA100019453



