

My Ref: 20/01035/PFUL3 (PP-08609457)
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Date of decision: 15 October 2021

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 20/01035/PFUL3 (PP-08609457)
Application by: A Hussain
Location: 2 Amersham Rise, Nottingham, NG8 5QG
Proposal: Two-storey side and Rear Extensions

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

Time limit

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| 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. |
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Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre-commencement conditions

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

There are no conditions in this section.

Pre-occupation conditions

(The conditions in this section must be complied with before the development is occupied)

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| 2. Unless the Local Planning Authority has otherwise agreed in writing to the use of alternative materials, the walls and roof of the extensions hereby permitted shall be constructed of bricks and roof tiles of a colour, size, texture and pattern/bond to match those used in the existing building. |
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Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the ACS and Policy DE1 of the LAPP

Regulatory/ongoing conditions

(Conditions relating to the subsequent use of the development and other regulatory matters)

There are no conditions in this section.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
Elevations dated 20 May 2021, received 17 September 2021
Planning Layout reference DG2 dated 11 May 2021, received 17 September 2021
Other reference Block plan V5, received 17 September 2021

Reason: To determine the scope of this permission.

Informatives

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the officer's delegated report, enclosed herewith and forming part of this decision.

2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

3. Noise Control: hours of work and equipment during demolition/construction
To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)
Saturday: 0830-1700 (noisy operations restricted to 0830-1300)
Sunday: at no time
Bank Holidays: at no time

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9152020).

Equipment

All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression/silencers.

Dust/Grit and other fugitive emissions

Construction and demolition work invariably generates grit and dust, which can be carried offsite and cause a Statutory Nuisance, and have a detrimental effect on local air quality.

Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays. Appropriate methods include:-

Flexible plastic sheeting

Water sprays/damping down of spoil and demolition waste
Wheel washing
Periodic road cleaning

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

RIGHTS OF APPEAL

Application No: 20/01035/PFUL3 (PP-08609457)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.

DECISION NOTICE APPENDIX: DELEGATED REPORT

This report sets out the reason for the decision, taken by officers under the terms of the Council's Scheme of Delegations, and includes a summary of relevant planning policies.

LIST OF RELEVANT POLICIES

Nottingham Local Plan (November 2005):

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NATIONAL PLANNING POLICY FRAMEWORK

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 126 notes that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

ALIGNED CORE STRATEGIES (ACS) (LOCAL PLAN PART 1.)

Policy A: Presumption in Favour of Sustainable Development - working proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy 1: Climate Change - development proposals will be expected to mitigate against and adapt to climate change.

Policy 10: Design and Enhancing Local Identity - new development should be designed to create an attractive, safe, inclusive and healthy environment.

LAND AND PLANNING POLICIES (LAPP) (LOCAL PLAN PART 2)

Policy CC1: Sustainable Design and Construction - All development proposals (including changes of use) will be expected to maximise opportunities to incorporate sustainable design.

Policy DE1: Building Design and Use - Buildings must be designed to fulfil their function effectively, but consideration must also be given to the way they impact on the surrounding townscape, landscape and neighbouring properties. They must enhance the local environment, contributing to the vitality of areas and improve community safety.

SUMMARY OF RESPONSES TO CONSULTATION

Neighbour notification expired 7/10/2021. No objections received.

APPRAISAL

SITE

The property is a semi-detached two-storey dwelling located within a predominantly residential area. The property has common boundaries with 4 Amersham Rise, 370 and 370A Aspley lane.

PROPOSAL

Planning permission is sought for the erection of a two-storey side/ rear extension. It would provide additional living accommodation.

Following inspection of the proposed drawings, amended plans were received and the roof of the side extension would now be set down 675mm from the ridge of the host dwelling and the roof would be hipped. The rear extension would be set in a minimum of 2m from the boundary with number 4 Amersham Rise, with a maximum projection of 2.51m, increasing to a projection of 3.7m, which would be set in 3.51m from the boundary with that property.

The two-storey side extension would project a maximum of 3.4m to the side and 3.7m to the rear of the property. At the front, the first floor of this extension would be set back 480mm from the front wall of the host dwelling. The first floor of the side extension would be set back 461mm from the rear wall of the existing dwelling. The side extension would a maximum height of 7.2m (4.7m eaves height).

The rear extension would not project beyond the side wall of the host dwelling and would have a gable roof with a maximum height of 6.3m (4.7m eaves height)

Windows are proposed in the front and rear elevations.

MAIN ISSUES

- i) Principle of the development;
- ii) Design and impact on the street scene;
- iii) Impact on residential amenity;
- iv) Sustainability

i) PRINCIPAL OF THE DEVELOPMENT

Having regard to the residential character of the surrounding area, there is no objection in principle to residential extensions, provided that they comply with the other policies of the development plan.

ii) DESIGN & IMPACT UPON THE STREETSCENE (Policy 10 of the ACS and Policies DE1 and HE1 of the LAPP)

As the two-storey side extension would be set down from the ridge of the host dwelling and set back from the front wall of the house, it is considered that the proposed side extension would have an acceptable impact upon the streetscene.

The proposed rear extension would be concealed to the rear of the property.

The proposed extensions are considered to be of an appropriate scale and design. It is proposed to construct the extension from matching materials. The proposal therefore complies with Policy 10 of the Aligned Core Strategies and Policies DE1 of the Nottingham Local Plan.

iii) IMPACT ON RESIDENTIAL AMENITY (Policy 10 of the ACS and Policy DE1 of the LAPP)
Now that the rear extension has been reduced in length and set at least 2m from the boundary with number 4 Amersham rise, it is considered that the proposed extension would have an acceptable impact upon the occupants of that property.

Having regard to the design, scale, location and outlook from the proposed extension, and the relationship with the site boundaries, it is considered that the proposal would have an acceptable impact on neighbouring properties in terms of privacy, daylight, sunlight and outlook. The proposal therefore complies with Policy 10 of the Aligned Core Strategies and Policy DE1 of the Nottingham Local Plan.

iv) SUSTAINABILITY (Policy 1 of the ACS and Policy CC1 of the LAPP)
Whilst no specific features have been highlighted in the planning application, the extension would need to incorporate appropriate energy/water conservation measures in order to comply with current Building Regulations. As an extension to an existing dwelling, it is considered that this is sufficient to satisfy the requirements of Policy 1 of the Aligned Core Strategies and Policy CC1 of the Nottingham Local Plan.

STATEMENT REQUIRED BY ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

In granting planning permission for the development, the Local Planning Authority has worked with the applicant in a positive and proactive manner. In order to address identified problems with the original proposal, amended plans have been sought to overcome those problems