

**APPLICATION NO** PA/2009/1303

**APPLICANT** Mr A Borrill

**DEVELOPMENT** Planning permission to erect a detached dwelling with integral garage together with associated parking and access (re-submission of PA/2009/0923)

**LOCATION** Land adjacent to Windy Gyle, Town Hill Drive, Broughton

**PARISH** BROUGHTON

**WARD** Broughton and Appleby

**SUMMARY** Grant permission subject to conditions

**RECOMMENDATION**

**REASONS FOR REFERENCE TO COMMITTEE** Third party request to address the committee

## **POLICIES**

**Regional Spatial Strategy for Yorkshire and the Humber:** Policy H1 (Provision and distribution of housing) – the region's housing stock should be improved and increased to provide appropriate accommodation for all households wanting homes.

**North Lincolnshire Local Plan:** Policy ST2 (Settlement hierarchy) identifies Broughton as a medium growth settlement.

Policy H1 (Housing development hierarchy) requires development in medium growth settlements to be compatible with their scale, character, location, facilities and existing environmental quality.

Policy H5 (New housing development) sets out the criteria to control new housing development and to ensure consistency in design and layout.

Policy H8 (Housing design and housing mix) expects all new development to respect the form, scale, massing design and detailing, materials and nature of the local environment.

Policy DS1 (General requirements) sets out the general criteria for assessing all development, in particular providing a high quality of design.

## **CONSULTATIONS**

**Highways:** No objections subject to conditions 4 and 5.

## **TOWN COUNCIL**

No objections as long as the utilities are adequate and access is agreed.

## **PUBLICITY**

Neighbours informed by letter and one objection has been received which raises the following issues:

- The proposed dwelling is two-storey; a bungalow would be more in keeping.
- The size and position of the dwelling would lead to loss of light and overlooking, and be overbearing.
- The property is to be built beyond the recognised building line and is therefore out of character with the area and detrimental to the street scene.
- The amended design does not overcome the reasons for refusal on the previous scheme.
- Some of the garden included in the red line is not owned by the applicant.
- A water pipe and electricity cables cross the site and the development affects access to the easements for these services.
- All fencing should be constructed on the applicant's land.
- The height of the proposed fencing will reduce daylight to habitable rooms. Does the proposal comply with the 45 and 30 degree rules?
- Finished floor levels are higher than the neighbouring site making the impact of the development even greater.
- Are the sewers capable of accommodating the development?

## **ASSESSMENT**

The proposal involves the erection of a dwelling on land currently used as garden for the adjacent bungalow Windy Gyle. The site is within the development boundary and Broughton has been identified as a medium growth settlement. Therefore erecting a dwelling on this site is acceptable in principle. This is a resubmission of PA/2009/0923, which was previously refused on the grounds of impact on neighbours and character of the street scene.

**The main issues in determining this application are whether the proposal will have an adverse impact on residential amenities and whether it is out of character with the existing form of development in the area.**

The proposed dwelling is two-storey dormer in style, having accommodation in the roof space. The dwellings either side are traditional bungalows, with dwellings to the rear being two-storey. There is, therefore, a mix of house types and designs in the vicinity of the application site. The main issues are whether building a two-storey dwelling on this plot would adversely affect the amenities of neighbouring properties, in particular the bungalow to the east and whether the design and scale of the property is out of keeping with the character of the area.

The neighbour to the east has raised a number of concerns regarding the scale, design and position of the proposed dwelling. As the plot is a triangular shape, being wider at the front, the position of the dwelling is forward of the properties either side. The neighbour to the east is concerned that the dwelling will cause loss of light and be overbearing to a number of habitable room windows to the front of the property. Whilst it is clear that the new dwelling will be visible from the neighbour's property and viewed from the windows referred to, the building is set away from the boundary and it is not considered that this will result in a direct loss of daylight to the neighbour's property. The neighbour's dwelling faces north and west, and the proposed new dwelling is to the north/north-east. Therefore it is considered that there will be no significant impact on the amount of sunlight currently enjoyed in this part of the neighbour's dwelling.

In relation to the proposal being overbearing, as referred to above, the proposed dwelling will be visible from the neighbour's property. However, as it is set in from the boundary, it is considered to be a sufficient distance away from the windows referred to not to be significantly affected by the development. The neighbour has referred to the 30 and 45 degree tests for daylight. Whilst these tests are generally used to assess residential extensions, if applied to the current proposal the 30 degree test is not infringed. Due to the position of the new dwelling, the 45 degree line is infringed. However, due to the distance between the existing and proposed dwelling, and the fact that the part that infringes is the single-storey garage, it is considered that this will not have a significant impact on light entering the neighbour's windows.

With regard to position of the dwelling and its impact on the street scene, it is considered that the proposal is acceptable. Although the dwelling is sited beyond the front wall of the bungalows either side, it is the single-storey garage element that is the most forward part of the proposal. It is not considered that this will be unduly prominent in the street scene, to the extent that it will be out of character with other dwellings in the area.

The neighbour has also raised the issue of utility easements being present on the site. The plans show the water pipe with an easement of 3 metres either side. The neighbour disputes the accuracy of this but, together with the electricity easement, this is a matter for the applicant to discuss with the relevant utility provider and ensure that the appropriate easements are maintained.

There is no evidence to suggest that the drainage system in the area cannot accommodate the proposed development in relation to foul or surface water drainage.

A 1.8 metre fence is proposed on the boundary which is not considered to be out of keeping with the nature of the development and is in fact permitted development where it is shown on the plans. It is not considered that this aspect of the scheme will have a negative impact on residential amenities.

The issue of ground levels and finished floor levels has been raised and for the avoidance of doubt a condition has been suggested that requires a cross sectional plan of the site to be submitted and approved in writing before the development, if approved, is commenced.

**RECOMMENDATION: Grant permission subject to the following conditions:**

1. The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: B09/282/1 and B09/282/3A.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

Notwithstanding the provisions of Classes A to E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, or any order revoking and re-enacting that order with or without modification, no buildings or extensions shall be erected on the site other than those expressly authorised by this permission.

Reason

To maintain the present living conditions of adjoining property in accordance with policy DS5 of the North Lincolnshire Local Plan.

4.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

5.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking space(s) serving it have been completed and, once provided, the parking space(s) shall thereafter be so retained.

Reason

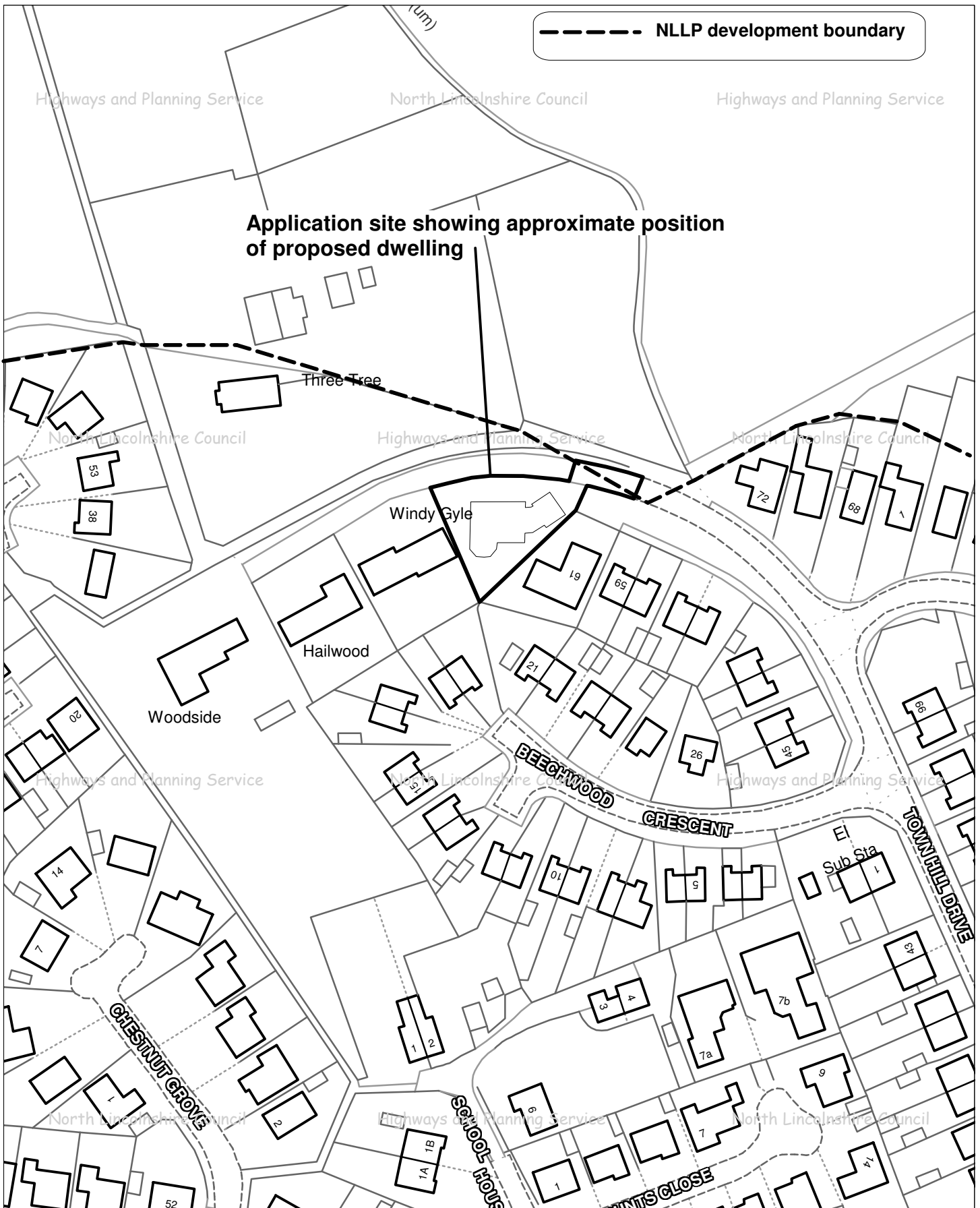
In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

6.

Before the development hereby approved is commenced, a scaled cross-sectional plan showing the finished floor level of the proposed dwelling in relation to the properties either side shall be submitted to and approved in writing by the local planning authority.

Reason

In the interests of the amenity of the area in accordance with policy DS1 of the North Lincolnshire Local Plan.



----- NLLP development boundary

Highways and Planning Service

North Lincolnshire Council

Highways and Planning Service

**Application site showing approximate position of proposed dwelling**

Three Tree

North Lincolnshire Council

Highways and Planning Service

North Lincolnshire Council

Windy Gyle

Hailwood

Woodside

Highways and Planning Service

North Lincolnshire Council

Highways and Planning Service

**BEECHWOOD CRESCENT**

**TOWNHILL DRIVE**

**WALNUT GROVE**

**SCHOOL LANE**

**WINDY GYLE**

Drawing Title: 2009/1303

OS Grid Ref: SE96310948

Drawn by: KC

Scale: 1:1250

Date: 18/03/2010



Based upon the Ordnance Survey mapping with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. NORTH LINCOLNSHIRE COUNCIL 0100023560 2010



**Highways and Planning Service**  
Service Director,  
G Pople

The Ordnance Survey map data included within this publication is provided by North Lincolnshire Council under license from Ordnance Survey in order to fulfil its public function to act as a highways and planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to license Ordnance Survey map data for their own use.