

**APPLICATION NO** PA/2011/1264

**APPLICANT** Mr L Arnold

**DEVELOPMENT** Planning permission to erect a conservatory

**LOCATION** Ivy Cottage, King Edward Street, Belton

**PARISH** BELTON

**WARD** Axholme Central

**SUMMARY RECOMMENDATION** Grant permission subject to conditions

**REASONS FOR REFERENCE TO COMMITTEE** Objection by Belton Parish Council

## **POLICIES**

**Regional Spatial Strategy for Yorkshire and the Humber:** No specific policies apply.

**North Lincolnshire Local Plan:** Policy DS5 (Residential Extensions) – residential extensions and the erection of garages, outbuildings, walls and other structures will be allowed providing that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing or loss of privacy to adjacent dwellings. The proposals should also be sympathetic in design, scale and materials to the existing dwelling and its neighbours.

Supplementary Planning Guidance 1 (SPG1) (Design Guidelines for Home Extensions) sets out detailed criteria for assessing matters such as loss of daylight/sunlight and privacy. It also states that the proposal should be sympathetic in design, scale and materials to the existing dwelling and its neighbours.

Policy DS1 (General Requirements) requires a high standard of design in all developments and poorly designed developments will be refused. The following criteria will be used to assess each proposal:

- (i) the design and external appearance should reflect or enhance the character, appearance, and setting of the immediate area
- (ii) the design and layout should respect and, where possible, retain or enhance the existing landform
- (iii) no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, including overlooking or overshadowing
- (iv) amenity open space should be retained where possible
- (v) no pollution of water, air or land should result.

**North Lincolnshire Core Strategy:** No specific policies apply.

## **CONSULTATIONS**

**Highways:** No objections or comments.

## **PARISH COUNCIL**

Object on the grounds that the footprint of the dwelling as extended is larger than that of the original, refused, application and that there is already a shed that encroaches into the garden space.

## **PUBLICITY**

Neighbouring properties have been notified and an objection has been received raising the following concerns:

- The neighbouring property to the east has already suffered loss of light/sunlight due to the height and position of the dwelling on the site and its fencing. The proposed conservatory will result in further loss of light/sunlight.
- The conservatory is angled out towards the party boundary. This will result in loss of privacy to the dwelling to the east.
- How will surface water from the conservatory be disposed of? The current soakaway is close to the party boundary and conflicts with the neighbour's soakaway.
- When permission was approved for the dwelling on the site it was because the volume of the development had been substantially reduced to an acceptable level. Therefore the previous applications for a larger dwelling, which were refused, constituted over-development of the site. The council had previously stated that the approved design and size of dwelling was acceptable for the size of plot allowing for such things as amenity area and garden for a three-bedroom dwelling. The proposed extension would revert back to a size of building previously considered to be too large and refused.
- The existing sensor light to the rear of the applicant's property shines into the neighbour's garden and windows due to the properties' rear elevations being angled towards one another. Further light nuisance may result from the conservatory.

## **ASSESSMENT**

The application site consists of a three-bedroom, one-and-a-half-storey building on a tight triangular-shaped plot of land between The Cottage and Conifer Lodge, King Edward Street, Belton. The site is located in a residential area within the development boundary for Belton. There are residential properties to the east, south and west of the site and open fields to the north (rear). There are a mix of different types and styles of dwellings along this part of King Edward Street with the adjacent property to the east being a detached bungalow and the property to the north-west a detached two-storey dwelling. The existing dwelling sits towards the south-eastern corner of the application site, close to the bungalow to the east. There is a 1.8 metre tall close-boarded timber fence around the side and rear of the property.

This application seeks planning permission for the erection of a conservatory on the eastern corner of the rear elevation of the existing dwelling. The proposed conservatory would be 3.8 metres deep by 3 metres wide with an eaves height of 2.2 metres and a ridge height of

2.8 metres. The conservatory is designed with a 0.9 metre high dwarf wall with fully-glazed panels above and a fully-glazed roof. A conservatory of this size would generally be permitted development and therefore not require planning permission, however there is a planning condition on the property removing a large degree of the normal permitted development rights of the dwelling, hence the reason for this application.

The application site has been the subject of a number of previous planning applications. Planning permission was granted for a dwelling on the site in 2008 (PA/2008/0522) and permission was subsequently granted for some minor amendments to the design of the dwelling (PA/2010/0558). Prior to these approvals there were several previous applications for a dwelling on the site. PA/2007/2047 was withdrawn due to the inadequacy of the design and access statement submitted with the application. Another previous application (PA/2007/0971) was refused on the grounds that the proposed building was too large for the site. The dwelling that was approved under PA/2008/0522 had a volume that was reduced by a third from the dwelling proposed under PA/2007/0971.

**The main issues to consider in the determination of this application are whether the proposed conservatory would result in over-development of the application site and whether it would have a detrimental impact on the adjacent dwelling to the east.**

The application site is of limited size and an unusual triangular shape. As such the existing dwelling does have a relatively small area of private garden space at present. However the proposed conservatory itself is a modest size and would only result in the loss of 11.4 square metres of garden space. Whilst it is recognised that this would result in the reduction in size of an already small garden, it would still leave a useable area of private amenity space to serve the dwelling. The proposed conservatory would take up less than half the existing amenity space serving the dwelling and this loss of 11.4 square metres of garden space would not constitute over-development of the site.

A condition was imposed on the approval of planning permission for the dwelling on the site (PA/2008/0522) removing a large proportion of the permitted development rights from the property. This condition was imposed due to the restrictive nature of the site, the proximity of neighbouring properties and the potential for future extensions/alterations to be harmful to amenity. This condition is not, however, an absolute limit on development and does not mean that any and all future development will be unacceptable, or will result in unacceptable loss of amenity. The purpose of the condition is to allow the local planning authority to assess any future development which has the potential to impact on neighbours and the character of the area and would not normally require planning permission. A thorough assessment has been carried out with regard to the proposed conservatory and its potential impacts and in this instance the proposed development is considered to be acceptable.

Due to the position of the proposed conservatory within the site it would not impact on the amenities of The Cottage to the north-west. Therefore the only neighbouring property that could potentially suffer a loss of residential amenity is Conifer Lodge to the east. The proposed conservatory would be close to this neighbouring property, being approximately 2.4 metres at the nearest point and 3.2 metres to the living room windows in the rear elevation of the property. Additionally, due to the orientation of the applicant property and Conifer Lodge within their respective plots, the rear elevations of the two properties are angled towards each other to a degree. However, there is a 1.8 metre tall close-boarded fence running along the boundary between the two dwellings. The conservatory has a ridge height of 2.8 metres, therefore only 1 metre of the conservatory would be visible above the

fence line. Of this metre approximately 0.6 metres is the roof that would slope away from the neighbour and only 0.4 metres is the wall of the conservatory. Additionally the entirety of the conservatory which would protrude above the existing fence is fully glazed and as such would let light through. Therefore, regardless of the proximity between the neighbouring property and the conservatory, due to its low height, fully-glazed design and the existing boundary treatments, there would be no unacceptable loss of light to Conifer Lodge as a result of its construction. Additionally the existing fencing to the boundary would prevent any overlooking or loss of privacy as a result of the conservatory.

As previously stated, the conservatory is relatively modest in size, with a floor area of only 11.4 square metres; there would not, therefore, be an excessive amount of surface water displaced from its roof and it is unlikely to significantly affect surface water drainage on the site. However, a condition has been recommended which requires the applicants to agree a scheme for surface water drainage from the conservatory before any works commence. This condition will allow the local planning authority to ensure that adequate drainage is provided for the conservatory and that no flooding or drainage problems would be created for neighbours.

Planning permission is not required for the installation of external lighting on the rear of residential properties and therefore the local planning authority has no control over this issue. If a nuisance is being caused as a result of lighting then this is an issue for Environmental Protection to investigate as a statutory nuisance. A modest conservatory, which only protrudes over the boundary fence by 1 metre is unlikely to result in any excessive light spilling into the neighbouring property.

**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: LA-EX-2011-00, LA-EX-2011-01, LA-PROP-2011-101 A and LA-PROP-2011-102.

Reason

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

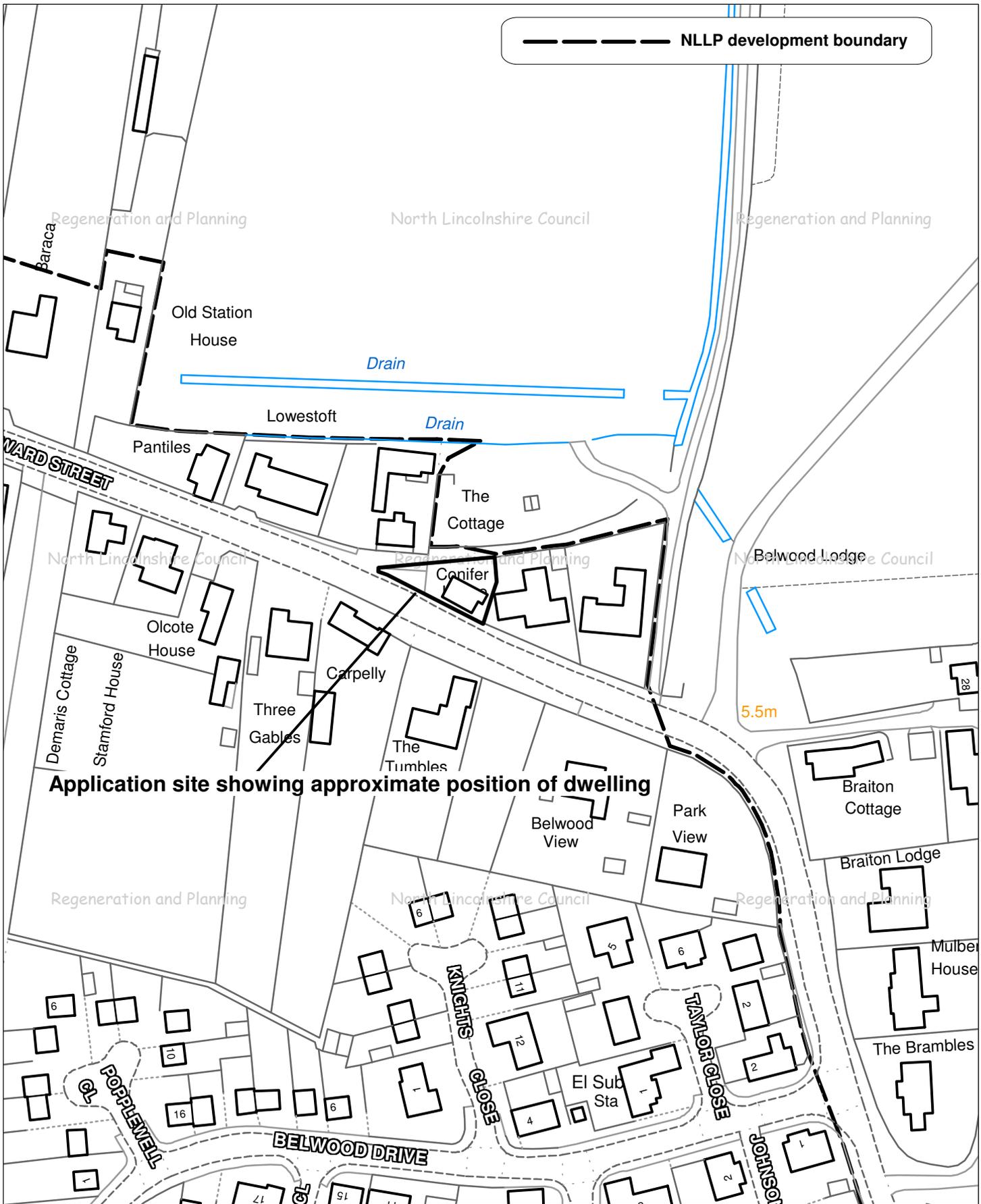
3.

No development shall take place until a scheme for the disposal of surface water has been agreed in writing by the local planning authority and the conservatory shall not be brought into use until it is connected to the approved drainage system.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

----- NLLP development boundary



**Application site showing approximate position of dwelling**

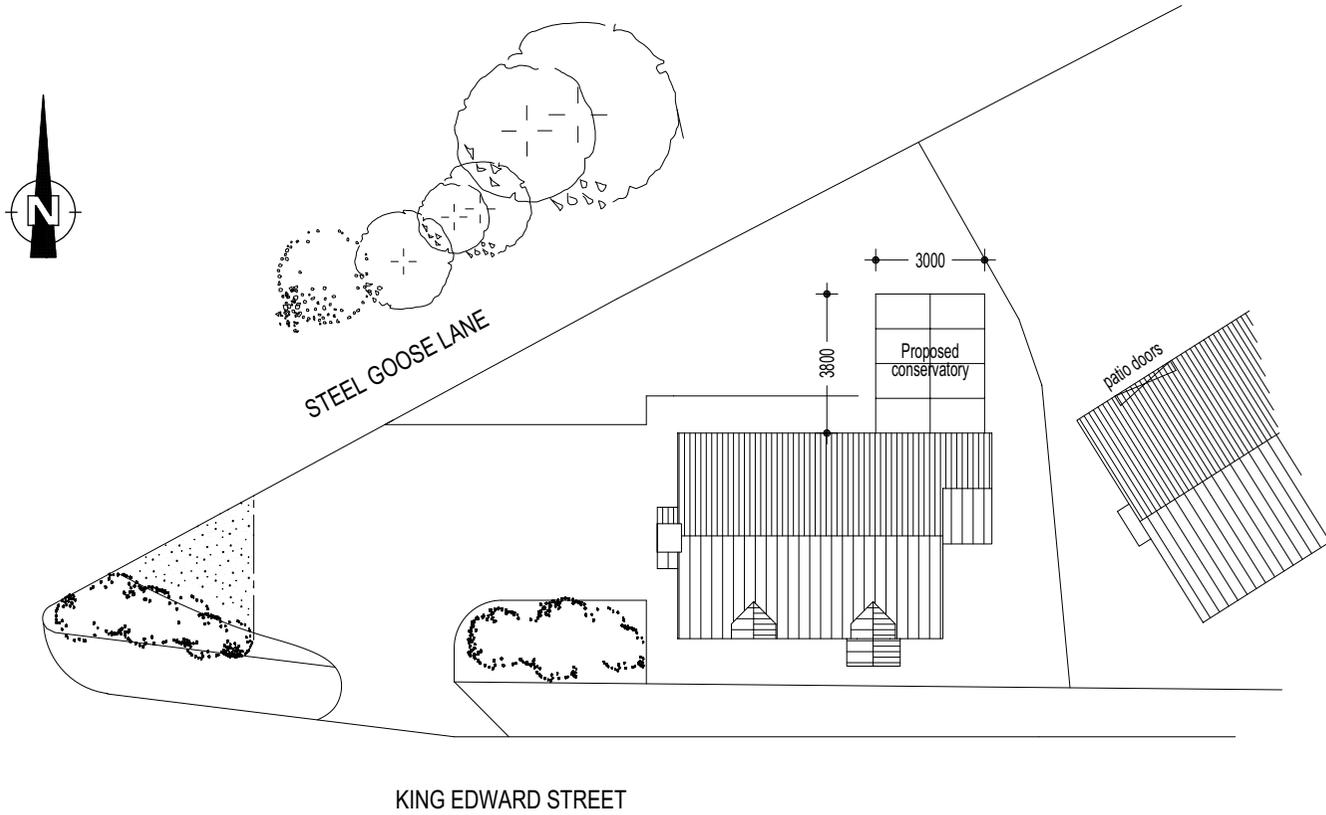
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Proposed site plan  
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