

**APPLICATION NO** PA/2012/0358

**APPLICANT** Mr H E Brinkley

**DEVELOPMENT** Planning permission for amendments to planning approval PA/2010/1317 including increased height of front gable and additional windows

**LOCATION** Development north of The Gables Belton Road, Epworth

**PARISH** EPWORTH

**WARD** Axholme Central

**CASE OFFICER** Mark Simmonds

**SUMMARY RECOMMENDATION** **Grant permission subject to conditions**

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

## **POLICIES**

**National Planning Policy Framework:** No specific policies apply.

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

**North Lincolnshire Local Plan:** Policy DS1 (General Requirements) provides general design guidance in relation to all new development.

**North Lincolnshire Core Strategy:** Policy CS5 (Delivering quality design in North Lincolnshire) sets out the criteria for new development in North Lincolnshire.

## **CONSULTATIONS**

**Highways:** Do not wish to restrict the grant of planning permission.

**Severn Trent Water Ltd:** No objection/no comments.

**Yorkshire Water:** No comments.

## **TOWN COUNCIL**

'Epworth Town Council comments that the increase in the height of the left-hand gable balances the building and has no objections, equally there are no objections to the additional rooflights, however Epworth Town Council does object to the new elevations showing balconies; balconies were rejected when the plans were first presented (and on appeal) due to the overbearing nature of the building and consequent overlooking of neighbouring properties.'

## **PUBLICITY**

Neighbouring properties have been notified and a site notice displayed. Letters of objection have been received raising the following issues:

- The alteration to the frontage to increase the building of the brickwork above the two front bays will effectively create a balcony appearance in the street scene and the potential for use as balconies which would adversely affect the amenity of neighbouring properties.
- This would be a very controversial amendment as the original plans included balconies – these were refused by the planning committee and the inspector.
- Reference is made to the inspector's decision which stated that balconies would lead to some loss of privacy for the dwelling opposite.
- They understand that there are windows instead of doors but feel there would be the potential to alter these.
- It will not be possible to prevent occupants stepping out of a window and even the perception that this could happen adversely affects the amenity of the neighbouring properties.
- Reference to external and internal discrepancies between approved plans and building as being built.
- The application does not declare a protected tree within a few metres of the gable to be altered.
- The plans submitted do not show the addition of the retaining wall and steps in the plan view and the front left soakaway is positioned within a designated area for protected tree roots.
- These amendments also show new plans for access by ramps and stairs to the rear porch which have not been included on previous plans.

## **ASSESSMENT**

The site is adjacent to The Gables Business Centre on Belton Road, Epworth which is a distinctive detached building. Modern business units are set to the north-west of the site and modest dwellings are set just behind to the west. A pair of semi-detached properties lies just to the north, with 25 Belton Road being the closest neighbour.

This application seeks permission to make amendments to a block of nine flats currently being erected on land adjacent to The Gables, Belton Road, Epworth.

A block of flats has been built on the same site on the opposite side of the principal building. Access to the site will be off Tottermire Lane and will be shared with the office block and business units.

Previous applications have been refused on this site including for 11 flats which were refused on the following grounds:

1. The proposed development, by reason of its design, height, size, massing and scale, would be detrimental to the character and appearance of the street scene. The proposal would therefore be contrary to the provisions of policy DS1 of the North Lincolnshire Local Plan.
2. The proposed development, by reason of its design, height, size, siting and massing, would result in an over-dominant presence to the nearest house to the north thereby being detrimental to the amenities of the occupiers of that property. The proposal would therefore be contrary to the provisions of policy DS1 of the North Lincolnshire Local Plan.
3. The proposed development would result in a loss of car parking that is used by occupiers of other premises served by the private access road thereby resulting in an inadequate parking provision for those businesses and is likely to result in increased on-street parking to the detriment of road safety. The proposal would therefore be contrary to the provisions of policy DS1 of the North Lincolnshire Local Plan.

Another previous application for 14 apartments was refused on 24 January 2005 on the grounds that (summarised) due to its siting, height, scale and overall mass the development would have an unacceptable impact upon the residential amenity of 25 Belton Road.

**The main issues in the determination of this planning application are whether the proposed amendments are of an acceptable design in terms of the street scene and character and appearance of the area and whether there would be any significant impact upon the living conditions of the occupiers of neighbouring properties.**

This application proposes amendments to planning approval PA/2010/1317 which is nearing completion on site. The amended plans include the raising in height of one gable which was originally lower in height than the other two gables, and the addition of rooflight windows, and ramps and level landings at the rear. One of the rooflight windows – that facing towards 25 Belton Road – is a smoke vent window which opens over a void and will not lead to any overlooking. The amendments would not create any loss of amenity and would have no material impact upon 25 Belton Road, the nearest neighbour.

Neighbours and the town council have stated that they have no objection to the raising in height of the third gable, and there is no objection to the additional rooflight windows. There are, however, strong objections on the grounds that neighbours and the town council believe the new brickwork will facilitate the creation of balconies at the front of the building, neighbours believe that although the current plans show windows these could be changed and people could get out of the windows to sit on the ‘balconies’ in any case. Although the fears of neighbours are understood and taken seriously in this case, there are no actual balconies created by these amended plans. As the dwellings are flats they have no permitted development rights and would need permission to change windows for doors. If such an application were to be submitted it would be subject to the full scrutiny of neighbour consultation. It is considered very unlikely that people would climb out of windows to sit on a ledge at high level with no safety barrier of any kind.

Objectors refer to discrepancies in the construction of the new flats, however the Enforcement Team have checked the site and there is no obvious breach. If any

discrepancies have arisen and can be substantiated these will be investigated. It must be stated though that this is not a material factor in the determination of this application.

There is a large tree to the front of the site, however the Environment Team have stated they have no comments to make on this application.

On balance, the proposals are considered acceptable, will cause no material harm to neighbours or the street scene, and indeed would improve the appearance of the finished building. The proposals are therefore recommended for approval.

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

1.

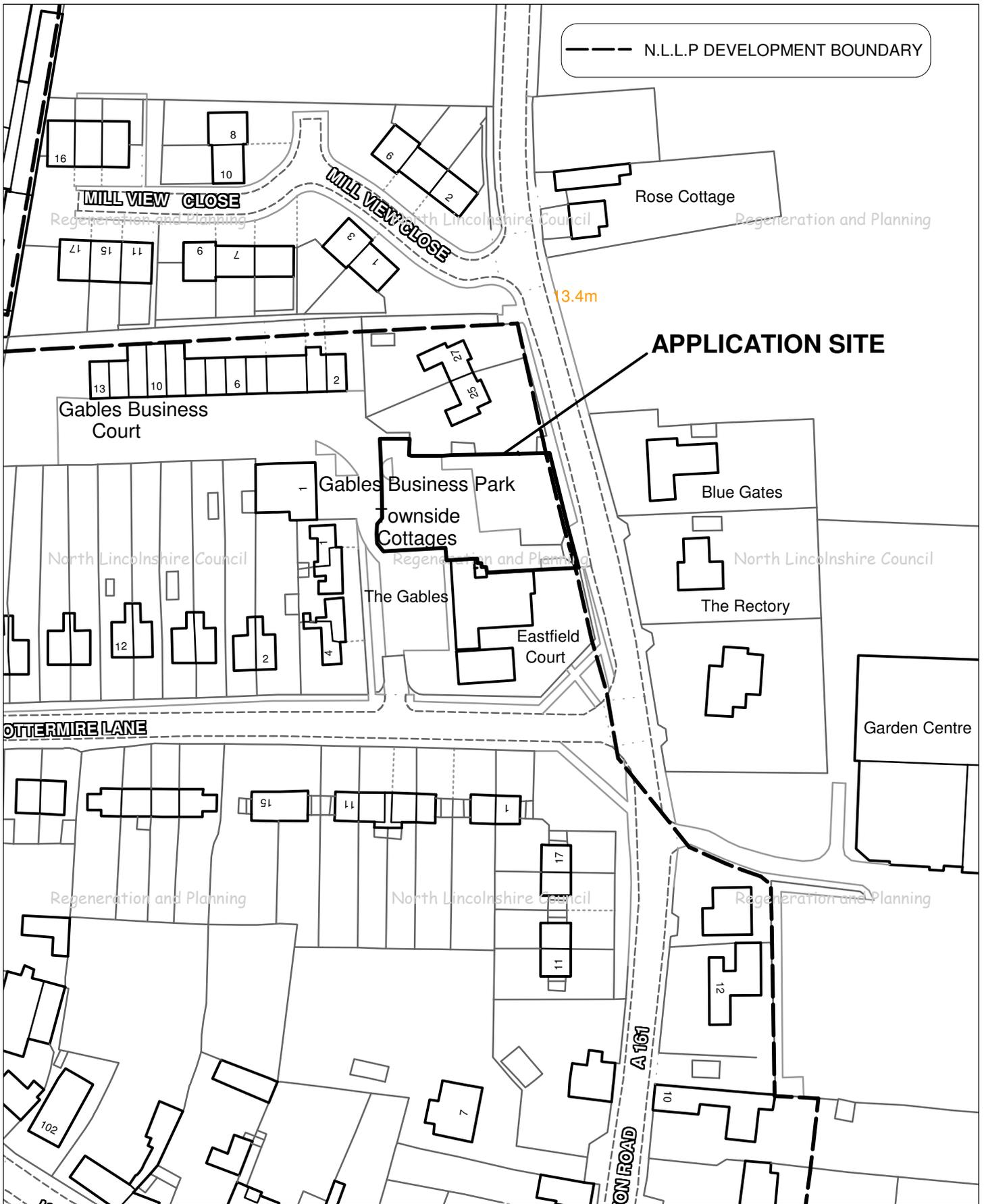
The development shall be carried out in accordance with the following plans: HEB/BR/100 A, HEB/BR/101 A, HEB/BR/102 C, HEB/BR/103 C and HEB/BR/106 C. In all other aspects the development shall be constructed in accordance with planning permission PA/2010/1317 dated 27 May 2011.

**Reason**

For the avoidance of doubt and to ensure the development is carried out in accordance with the approved details.

**Reasons for approval**

The council, as local planning authority, has had regard to the relevant policies of the development plan as set out below and considers that, subject to compliance with the conditions attached to the permission, the proposed development would be in accordance with the development plan, would not materially harm the character of the area nor the living conditions of neighbouring occupiers, and would be acceptable in all other planning considerations. The council has taken into account all other matters, none of which outweigh the considerations that have led to its decision. The policies taken into consideration in the determination of this application are policy DS1 of the North Lincolnshire Local Plan and policy CS5 of the North Lincolnshire Core Strategy.



--- N.L.L.P DEVELOPMENT BOUNDARY

**APPLICATION SITE**

13.4m

Drawing Title: 2012/0358

OS Grid Ref: SE78050411

Drawn by: SJB

Scale: 1:1250

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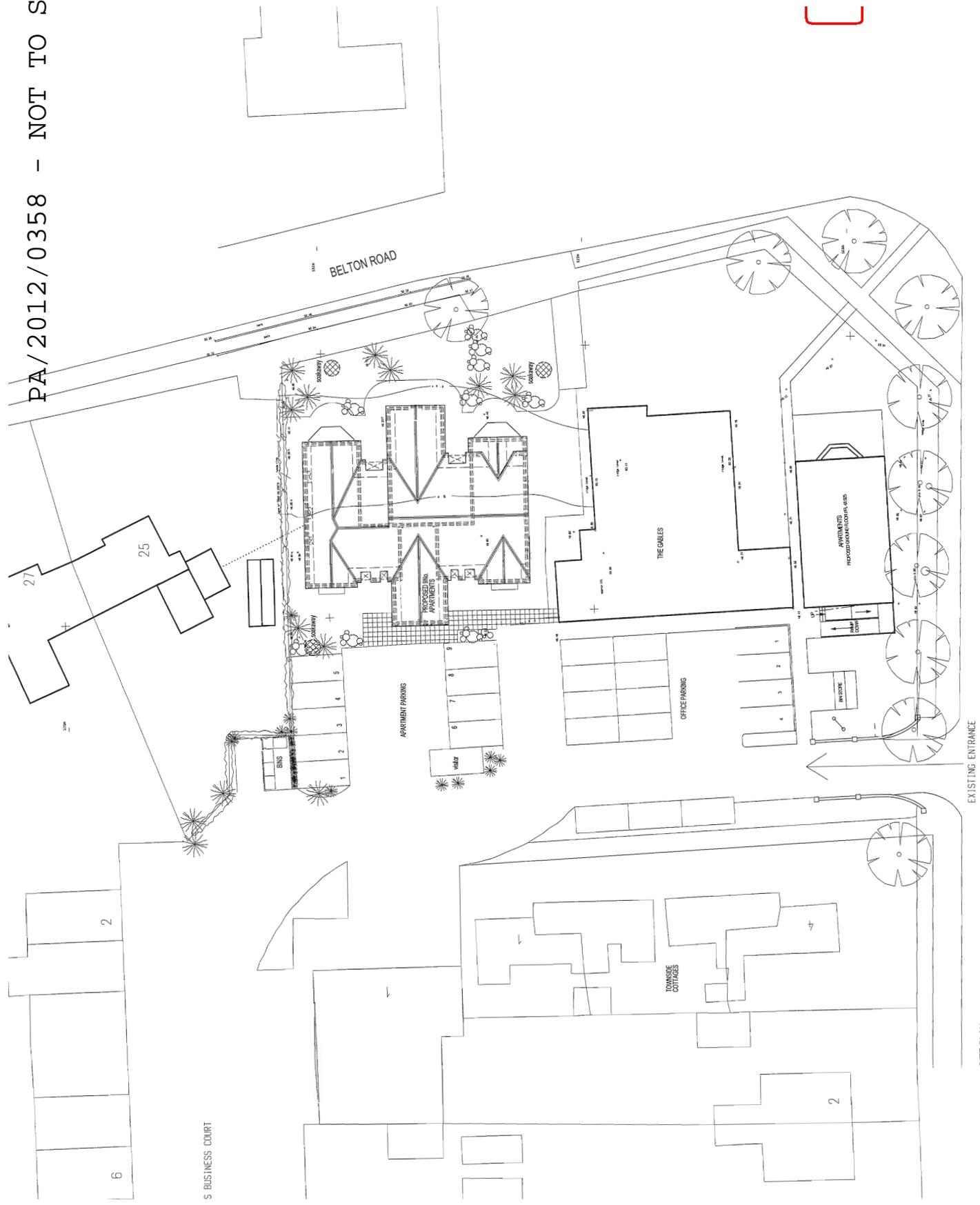


**Regeneration and Planning**

Head,

Marcus Walker BA (Hons), Dip URP, MA, MRTPI

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SITE PLAN  
1:250