

<b>APPLICATION NO</b>	<b>PA/2014/0669</b>
<b>APPLICANT</b>	Mr R James
<b>DEVELOPMENT</b>	Planning permission to erect a porch to the front of the property, a conservatory to the rear of the property, and an extension to the existing garage to the rear
<b>LOCATION</b>	81 Plymouth Road, Scunthorpe
<b>PARISH</b>	<b>SCUNTHORPE</b>
<b>WARD</b>	Brumby
<b>CASE OFFICER</b>	Craig Fotheringham
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Councillor Len Foster – significant public interest)

## **POLICIES**

**National Planning Policy Framework:** Achieving Sustainable Development; Core Planning Principles; Section 7 – Requiring good design.

**North Lincolnshire Local Plan:** Policy DS1 (General Requirements) sets out criteria against which all proposals will be considered and includes references to quality of design, amenity, conservation, resources and utilities in the development and use of land.

Policy DS4 (Change of uses in Residential Areas) sets out the policy requirements which change of use proposals in residential areas will need to be considered against.

Policy DS5 (Residential Extensions) is permissive in nature providing the proposal does not adversely affect residential amenity and is sympathetic in terms of design, scale and use of materials.

SPG 1 (Design Guidance for House Extensions) sets out the broad design principles of extending dwellings and notes that one aim of the guidance is to ensure that new housing extensions respect the local character.

**North Lincolnshire Core Strategy:** Policy CS2 (Delivering More Sustainable Development) notes that design should be of a high standard.

Policy CS5 (Delivering Quality Design in North Lincolnshire) requires all new development to be appropriate to its context.

## **CONSULTATIONS**

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

## **PUBLICITY**

Neighbouring properties have been notified and eight responses have been received raising the following concerns:

- visual appearance of the front extension and its detrimental impact on the street scene
- possible abuse of the extended garage in relation to running a business from home with impact from noise and disturbance
- query whether the applicant required planning permission when he originally blocked off the carport
- stated in the deeds that the frontage cannot be changed
- the applicant is currently running a business from home
- high level of noise and disturbance already emanating from the property
- work has already commenced
- restrictive covenant in place that covers the block of properties
- whether the Party Wall Act 1996 has been adhered to
- the impact of the rear conservatory and extended garage on the level of light entering adjacent garden
- regarding enclosure and overbearing effect and impact of the rear conservatory and extended garage on adjacent property
- clarification sought that the proposed rear conservatory's side wall will not use the neighbour's existing extension wall
- the front extension will essentially create a semi-detached house from what is currently a link detached which will devalue current property
- development to the front will set a precedent that will could alter the entire street scene
- the front extension will cause issues with accessing utilities that serve adjacent properties
- issue with noise from the garage door which is to be set adjacent to the neighbour's lounge wall.

## **ASSESSMENT**

81 Plymouth Road is a link property set in a row of similar-styled two-storey dwellings. Generally they are characterised by having carports with a linking two-storey residential element above and a front extension with lean-to style roof. Most of the properties have enclosed the front of the carport by a variety of openings ranging from wooden gates, garage-type metal door, upvc panels/doors or metal railings. It is noted that none of them

have extended in front of the carport. Number 81 has enclosed the carport both at the front and back by using upvc panels/doors.

The proposal as it currently stands seeks to:

- extend the house to the rear with a upvc conservatory with dwarf wall and full height wall on the elevation facing number 83 measuring 5.9 metres wide and 3.5 metres deep, with a maximum height of 2.8 metres. The conservatory is to be set back 0.3 metre from the boundary with number 83.
- extend the house in front of the carport and to the side of the existing front door by a single-storey front extension with lean-to style roof measuring 4.8 metres wide and 2.5 metres deep, with a maximum height of 3.3 metres. The front elevation would comprise a garage-style roller shutter door, a single front entrance door and two rooflights to the new roof; materials would match existing
- extend the existing flat-roofed garage with a flat-roofed extension to match the existing, measuring 5 metres wide and 6.2 metres to form an enlarged garage 9 metres wide.

The scaled drawing that accompanies the application provides an appropriate representation of the proposal to enable an assessment to be made.

**In considering this application the main issues are whether the design of the proposed extensions are appropriate to their context, to the character of the area and to the residential amenity of neighbouring properties, having regard to the provisions of the development plan and other material considerations.**

Local plan policies DS1 and DS5, and core strategy policy CS5, all look to development having regard to its context and being of an appropriate design quality, whereas the SPG requires that extensions should be seen as a cohesive design rather than an 'afterthought'.

These policy goals and aspirations are also set within the National Planning Policy Framework (NPPF). The above local plan and core strategy policies have at their heart the need to promote development appropriate to its context.

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and that sustainable development involves seeking positive improvements that include improving conditions in which people live. The framework critically comments that planning policies should not be prescriptive and such an approach can stifle development that accords with good design, amenity and promoting sustainable development.

The application has two distinct elements: the front extension and the garage and conservatory proposals to the rear. Generally, from the representations received, the front extension is considered to be the most contentious element of the proposal.

With regard to the proposals to the rear of the existing property, a neighbour has commented on the scale and possible overbearing nature of the combination of the garage extension and conservatory on their garden and the possible impact that they may have on sunlight to the garden itself. It is acknowledged that the garage will create an element of overshadowing to the neighbouring garden but it is considered that this would not be significant enough to warrant the refusal of planning permission. The conservatory itself,

given the location of the neighbour's existing rear extension, will not have an unduly adverse impact on the neighbouring property.

Concerns have been expressed about the size of the garage extension and its possible use for a business at home. It is noted that the proposed garage is substantial in size but in relation to the garden plot and the take of amenity space it is considered to be of an acceptable size. The applicant has confirmed by email that the extended garage is to be used for an extension of his existing gym and will not be used as part of running a business from home. This has to be taken at face value. However, to allay concerns that it is likely to be used for a business at home and given the size of the proposed extended garage, it is considered that this can be adequately covered by an appropriately worded condition that would restrict the use of the garage and enclosed carport/front extension to private and domestic use only.

A number of respondents have commented on the existence of a restrictive covenant that was prepared when the dwellings were first being built and sold. Such covenants are not uncommon and generally sought to prevent dwellings being altered at the time of site construction, without prior written approval, which then may make it more difficult to sell the remaining unsold properties. It is understood that the covenant has been inherited by this council and through discussion with the council's Estate Department it is considered that, given the original reason why it was drawn up, it would now probably be unrealistic to enforce and uphold. It is also noteworthy that none or very few of the number of extensions/conservatories that have been erected since the original site development in the mid 1970s sought the appropriate council approval under the covenant. Notwithstanding the above the existence of a restrictive covenant is not a material consideration in determining a planning application. The question of whether a planning application can be implemented which has a restrictive covenant on is a legal, not planning, matter.

The main consideration for this application is whether the front extension will have a significant detrimental visual impact on the street scene. Representations have focused on the distinctive design of the row of connecting properties and the proposal's impact on the character and appearance of the locality. It is worthy to note that Highways have no specific comments to make and that there is space available on the driveway to park two vehicles.

The owner/occupier of number 79 has commented on the Party Wall Act and the possible restricted access to utilities to the front/side of her house. Both issues are beyond the remit of this planning application and will need to be considered where appropriate through the Building Regulations. Concerns have also been expressed about the physical joining of the ground floor of number 81 to the neighbouring property number 79 and its impact on the way the properties function. In this respect it is considered that the functionality of the two dwellings will essentially remain the same. At the moment there is an enclosed carport that has no direct access into the applicant's property. This arrangement continues with the proposal although it is now extended to the front by 2.5 metres.

In terms of scale, the proposed front extension is reasonably modest in size and in other locations would probably have not drawn any significant objections. It is considered that the proposed front extension would not be visually dominant and is in keeping with the style and mass of the original house.

Having regard to the above, it is therefore considered that the front and rear extensions and the garage extension accords with the aim and objectives of the development plan and the National Planning Policy Framework.

**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: Existing and Proposed Ground Floor Plan, Existing and Proposed First Floor Plan, Proposed Elevations, Existing Elevations, Site Block Plan and Location plan.

**Reason**

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

3.

The garage and enclosed carport and front extension shall not be used other than for residential purposes and for purposes incidental to that residential use, and for the avoidance of doubt shall not be used for purposes of any trade, business or profession without a specific grant of permission in that behalf.

**Reason**

To prevent the uncontrollable introduction of a use that may potentially have an adverse impact on the character of the surrounding area without an opportunity to examine this against the criteria in policy DS4 of the North Lincolnshire Local Plan.

**Informative**

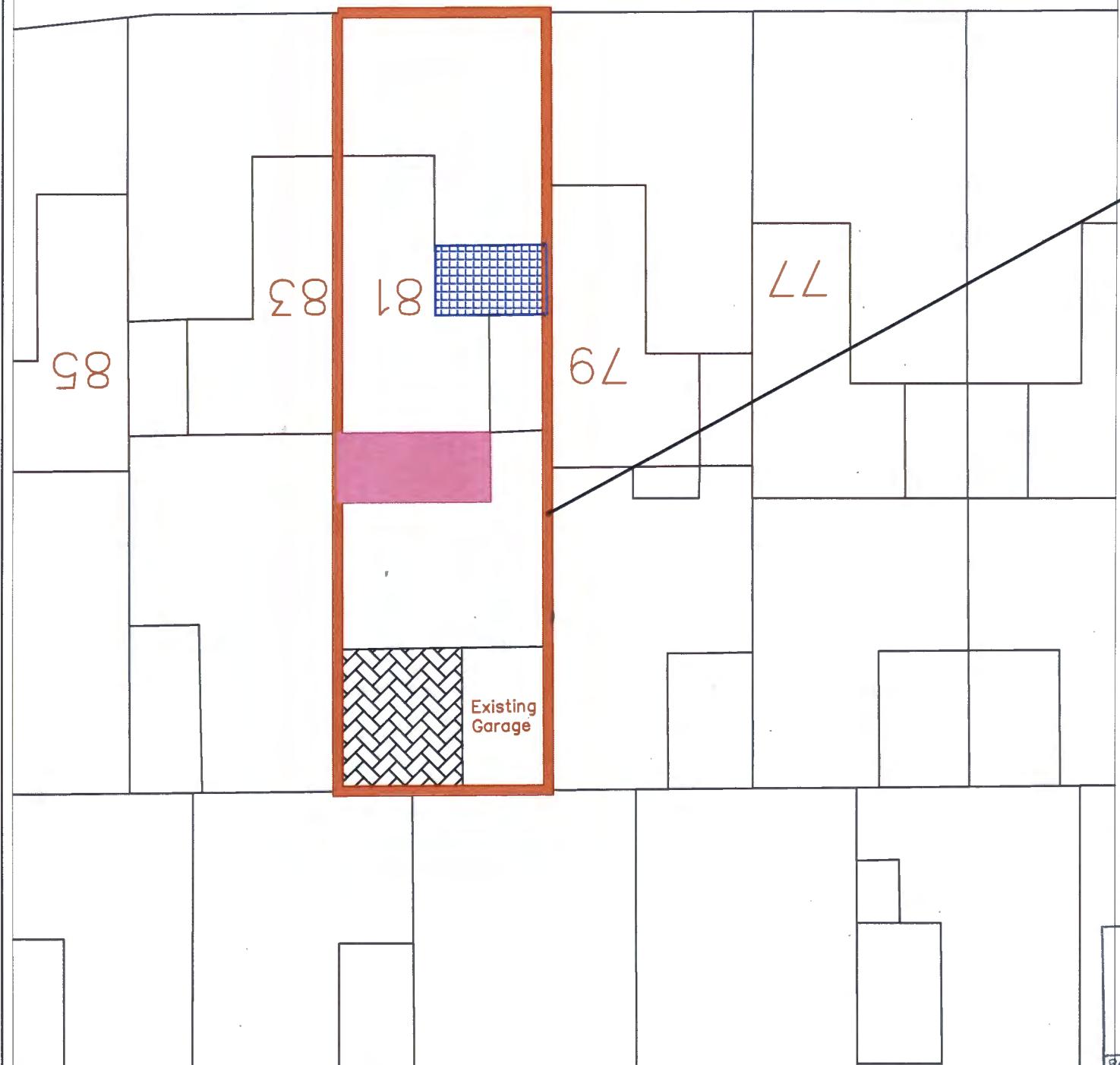
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



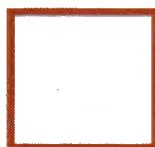
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 <p>© Crown copyright and database rights 2014 Ordnance Survey 0100023560</p>			<p><b>Director of Places</b> <b>Peter Williams</b> BSc,DMS,CEng,MEI,MCMi,AMIMechE</p>

**PA/2014/0669 - not to scale**

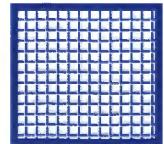
# PLYMOUTH ROAD



BLOCK PLAN - SCALE:1:250 @ A3



Application  
Boundary  
- 307m<sup>2</sup> (0.03HA)



SINGLE STOREY PORCH  
(3 METRES DEEP FROM  
FRONT HOUSE WALL)



CONSERVATORY WITH DWARF WALL AND  
WINDOWS (FULL HEIGHT WALL ON  
BOUNDARY WALL (TO No83))  
3 METRES DEEP FROM REAR HOUSE WALL



LOCATION PLAN - SCALE:1:1,250 @ A3

DEVELOPMENT CONTROL SECTION  
18 JUN 2014  
DATE RECEIVED  
Referred To

THE DRAWING IS PROVIDED FOR THE PURPOSE OF OBTAINING PLANNING PERMISSION AND OR  
BUILDING REGULATION APPROVAL. ALL DIMENSIONS TO BE CHECKED ON SITE BY CONTRACTOR  
PRIOR TO COMMENCEMENT OF WORK. THIS DRAWING MUST BE READ AND CHECKED AGAINST ANY  
STRUCTURAL OR ANY SPECIALIST DRAWINGS PROVIDED. THE CONTRACTOR IS TO COMPLY WITH  
THE CURRENT BUILDING REGULATIONS WHETHER OR NOT SPECIFIED ON THE DRAWINGS.



GARAGE EXTENSION  
(FLAT FELT ROOF)

81 PLYMOUTH ROAD SCUNTHORPE NORTH LINCOLNSHIRE, DN17 1SS
SITE BLOCK PLAN & LOCATION PLAN
Drawn by A.N. Other AS SHOWN Date 7/06/2014 By B. PLYMOUTH CO