

<b>APPLICATION NO</b>	<b>PA/2014/0673</b>
<b>APPLICANT</b>	Mr R Young
<b>DEVELOPMENT</b>	Planning permission to construct a new attached double garage with two bedrooms at first floor, convert an existing integral garage into a study
<b>LOCATION</b>	1 Pavilion Gardens, Scunthorpe
<b>PARISH</b>	<b>SCUNTHORPE</b>
<b>WARD</b>	Kingsway and Lincoln Gardens
<b>CASE OFFICER</b>	Andrew Willerton
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Councillor Tony Gosling – 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:** Advises that any permission issued by the planning authority should include a condition preventing surface water run-off from hard paved areas and containment of loose materials.

## PUBLICITY

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

- the height of the decking and its impact on the privacy of neighbouring properties
- reference to outline permission 6/91/0345 that refers to condition 14 'Any building erected pursuant to this permission shall not project in front of the building line shown red on the attached plan'
- deeds to the properties state that no construction should be closer to the road than 30 feet
- the size of the house extension is out of proportion to its plot and is overbearing
- owners of the property seem to be running a car business from home
- building work appears to be underway
- homes designed with open frontages – proposed fence threatens this sense of place and natural surveillance; high boundary has highway safety implications in terms of reducing visibility for residents and visitors leaving the cul-de-sac
- hedgerow already removed
- the size of the extension and garage is unnecessarily large
- the proposed fencing is an eyesore
- the proposed extension and fence is out of symmetry with the character of the surroundings
- the decking looks fine but is far too high
- overshadowing of properties to the northern side of Brumby Wood Lane.

## ASSESSMENT

This application was deferred at the September Planning Committee meeting to allow for re-consultation.

1 Pavilion Gardens is a detached property located on the corner of Brumby Wood Lane and Pavilion Gardens, Scunthorpe. Pavilion Gardens is a cul-de-sac development serving 14 detached dwellings on the site of the former maternity hospital and is characterised by large detached houses set in large gardens with open frontages.

To the rear of the application site is an electricity substation beyond which is an area of mature woodland.

The original application included a proposal for a close-boarded wooden fence on top of the existing low wall fronting Brumby Wood Lane to a height of 1.8 metres and a new close-boarded fence fronting Pavilion Gardens. Following discussions with the agent, this element of the application, that attracted a number of objections, has now been withdrawn and amended plans submitted. Formerly it was proposed to retain an area of raised decking to the rear of the property but this element has also now been withdrawn from the application given it has now been lowered and areas of raised decking which are under 300 millimetres from ground level are considered permitted development.

The proposal as it currently stands seeks to extend the house to the side with a two-storey gable-ended extension with a ridge height matching the parent house, measuring 6.6 metres wide with a full depth of 9.4 metres. To the west elevation there is a double garage door with three windows above. The existing garage door is to be bricked up with one window formed. The rear elevation has three first-floor bedroom windows and a single door at ground floor level. The northern side elevation is blank. Materials are a red facing brick, concrete interlocking tile and white upvc windows/doors to match existing.

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 extension is appropriate to its 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.

With regard to the side extension, objections have focused on the scale and possible overbearing nature of the extension, its visual impact on the street scene and restrictions in the property deeds. Reference has also been made to the original outline planning application (6/91/0345) and condition 14 that stated that 'Any building erected pursuant to this permission shall not project in front of the building line shown in red on attached plan'.

Concerns have also been expressed about the size of the proposed garage and its possible use for a business at home. It is noted that the proposed garage is substantial in size but, when taken in the context of the proposed extension and its location within an established residential area, it is not uncommon for garages of such size to be found. With regard to the

concerns that it is likely to be used for a business at home, the application requires to be taken at face value and it is considered that this can be adequately covered by an appropriately worded condition that would restrict the use of the garage to private and domestic use only.

With regard to the original outline permission for Pavilion Gardens, the condition that has been quoted established the 'building line' for the development of the site at that time with the detailed particulars for the maternity home site approved on 12 October 1994. The original outline application carries no weight in terms of the consideration of current planning applications and at the time set the parameters for the overall site development. The existence of a clause in the property deeds that restricts development is not a material consideration in determining a planning application. The question of whether a planning application can be implemented which has a restrictive clause in the deeds is a legal, not planning, matter.

The main consideration is whether the side extension will have a significant detrimental visual impact on the street scene. In terms of scale the side extension is large, occupying a footprint similar to that of the house, yet can be accommodated within the garden plot. It is considered that the proposed extension, although visible in the street scene, would not be visually dominant and is in keeping with the style of the original house.

When viewed from Pavilion Gardens, the extension will be no further forward than the original dwellinghouse and is designed to be in keeping with it also. When viewed from Brumby Wood Lane, the proposed extension will be significantly further forward than the original dwelling but will be set back by at least 5 metres from the public footpath owing to an existing grass verge outside the application site. It is acknowledged that this would be forward of the original building line to the southern side of Brumby Wood Lane, however the extension would not be out of character nor dominant given the fact that it is the last house on the southern side before the woodland begins, and an electricity substation exists slightly closer to Brumby Wood Lane than the proposed extension.

Assessment is further required with reference to concerns raised within a letter of objection regarding potential overshadowing of properties to the northern side of Brumby Wood Lane. The distance between the proposed northern wall of the development and the boundary of properties is over 15 metres. The proposal is therefore unlikely to cause any significant increase in loss of light to windows in properties to the north of Brumby Wood Lane.

Given that this application seeks planning permission for a two-storey side extension only, it is recommended that permission is granted subject to conditions.

**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: C304/A1/102 Rev. D, C304/A1/103 Rev. B and Location Plan C304/A1/101 Rev. A.

Reason

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

3.

The garage hereby permitted shall not be for commercial use and shall only be used for purposes ancillary to the residential use of the dwelling known as 1 Pavilion Gardens.

Reason

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

4.

No further development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use.

Reason

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

5.

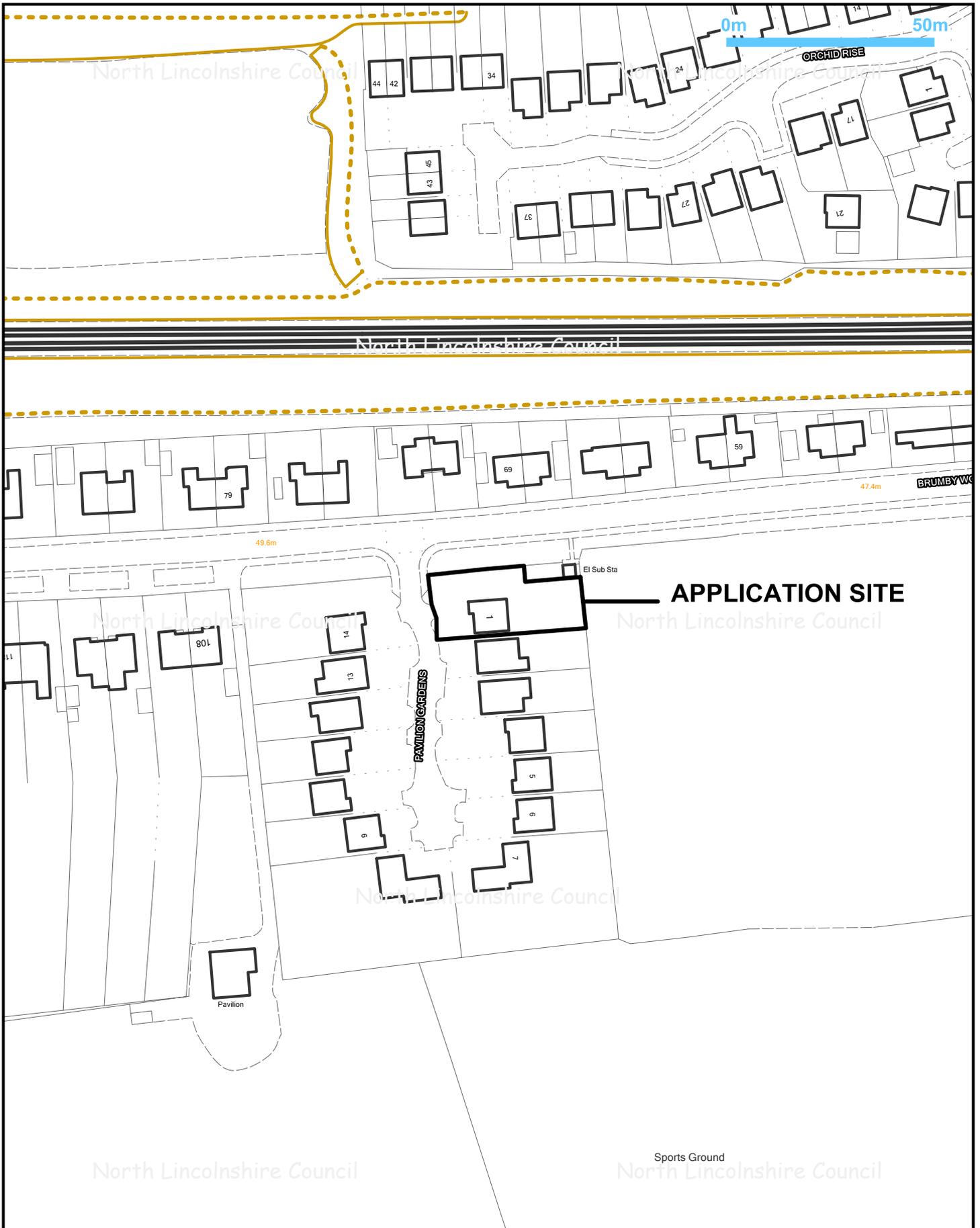
No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed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

### **Informative**

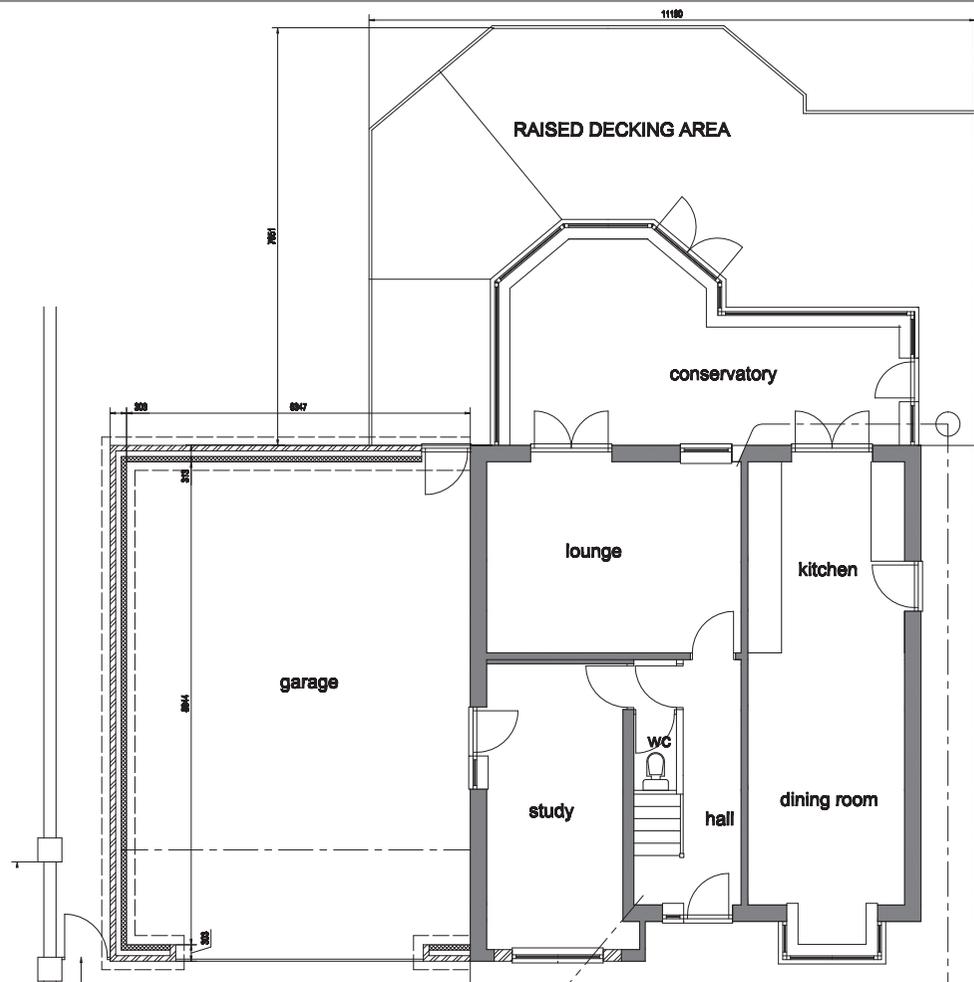
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



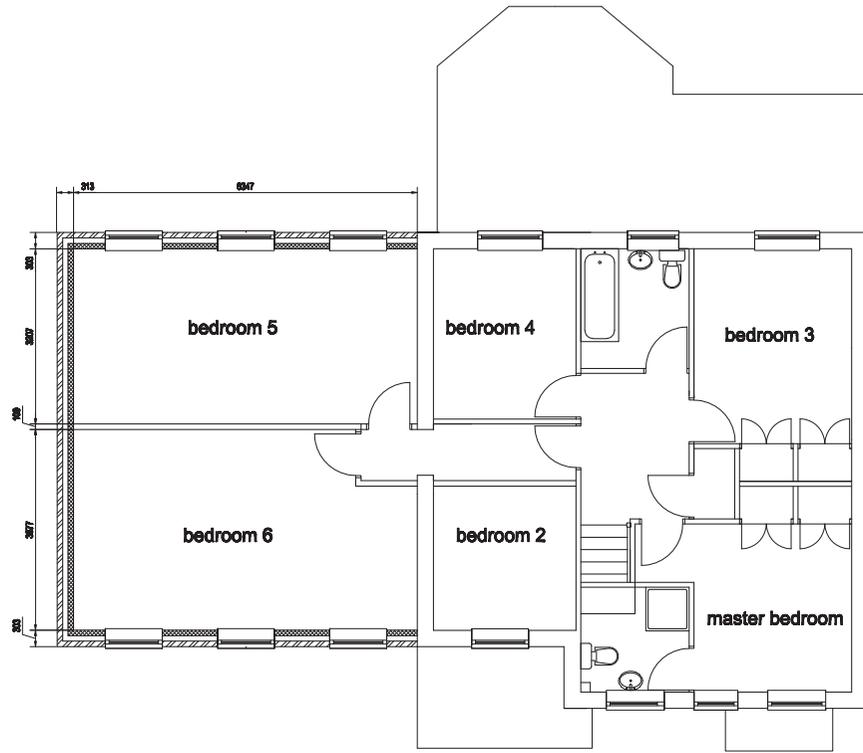
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# PA/2014/0673 Proposed extension

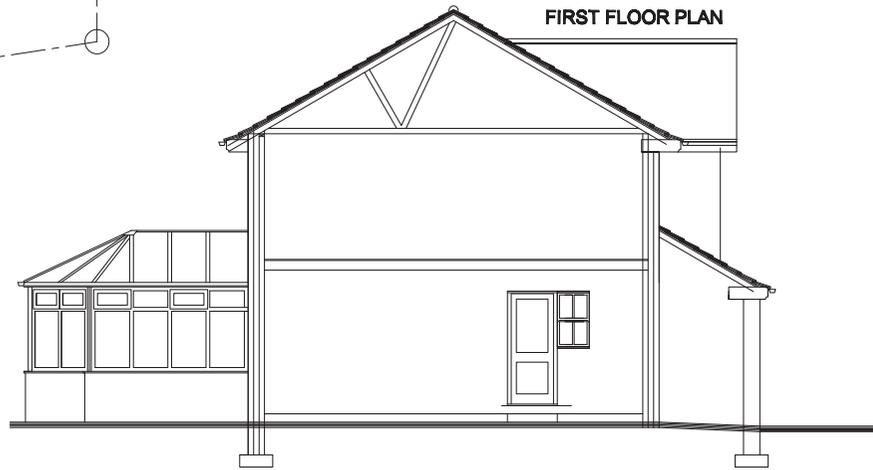
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GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECTION A-A

EXISTING LAMP POST