

APPLICATION NO PA/2014/1161

APPLICANT Mr S Quibell

DEVELOPMENT Planning permission to retain a single-storey rear extension, demolish an existing single garage and erect a detached double garage (resubmission of PA/2014/0028)

LOCATION 246 Messingham Road, Bottesford

PARISH BOTTESFORD

WARD Bottesford

CASE OFFICER Nicholas Lawrence

SUMMARY RECOMMENDATION Grant permission subject to conditions

REASONS FOR REFERENCE TO COMMITTEE Member 'call in' (Councillor Jean Bromby) – 'The objections of residents in Newnham Crescent. The building is bigger than the initial application, concerns what the building will be used for. Would like a condition that it can only be used for garage purposes.'

RELEVANT POLICIES & MATERIAL CONSIDERATIONS

National Planning Policy Framework: Core Principles (paragraph 17); Design (Section 7)

National Planning Practice Guidance: Design (Reference ID: 26-007-20140306)

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

North Lincolnshire Core Strategy: Policy CS5 (Delivering Quality Development in North Lincolnshire) sets out the key design principles for all new development with the aim of ensuring that development supports the creation of a high quality built environment that is attractive to residents and visitors.

CONSULTATIONS

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

TOWN COUNCIL

No objections.

PUBLICITY

Neighbouring properties have been notified by letter. Two representations have been received, both from Newham Gardens, objecting to the garage element of the submission on the following grounds:

- what is the point of planning permission if people change the plans regardless?
- the 'use of the garage' – concerned not solely used for parking cars
- if the garage is to be used as a workshop, the main worry would be noise and disturbance
- looks like a bungalow and fears it being turned into one.

ASSESSMENT

Application site

246 Messingham Road is a detached cottage-style dwelling within an area dominated by residential development that faces the local road network; the properties are typified by substantial rear gardens. 244 Messingham Road is set back from number 246 by some 10 metres and the rear garden of 44 Merton Road is some 70 metres from the rear elevation of 246 Messingham Road.

Background and basis of application

Planning permission was granted on 10 March 2014 under application number PA/2014/0028 for the erection of a single-storey pitched-roofed extension to the rear elevation of 246 Messingham Road, and a double garage to replace an existing single garage.

The approved garage is sited to the north of the dwelling and adopts a pitched form measuring 6.86 metres wide and 12 metres deep, with a ridge height of 4.95 metres. The extension measures 9 metres by 9 metres and provides a new kitchen/dining area and utility room. The ridge of the extension marries that of the host dwelling and this marriage carries over into the roof covering of slate-effect tiles and the use of brick as a facing material.

Following commencement of the development in response to representations received by the council, it was determined that the works did not comply with the approved drawings and a new planning application was requested. The completed works differ from the approved scheme in two respects. Firstly, the garage roof slope has increased from 30 degrees to 35 degrees which has increased the height of from 4.95 metres to 5 metres (an increase of 5 centimetres) and the roof trusses to cater for this change in pitch have increased the width of the garage by 0.36 of a metre. Secondly, the length of the extension has increased by 24 centimetres.

Main issue

Allowing for the representations received, it is considered that the main issue at hand is whether the variations to the garage adversely affect the visual and

residential amenity of the area having regard to the provisions of the development plan and other material considerations.

The development plan and materiality

Under the provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, as amended, the development plan for the purposes of this application comprises those 'saved' policies of the North Lincolnshire Local Plan 2003 and the North Lincolnshire Local Development Framework Core Strategy of June 2011.

Materiality is set by the National Planning Policy Framework (NPPF) that was issued on 27 May 2012 and the National Planning Practice Guidance (PPG) issued on 6 March 2014.

Main issue – effect upon visual and residential amenity

Local plan policy DS1 is criterion-based and sets out a series of environmental and other standards every planning application is expected to meet. It looks for development to be of an appropriate design quality, having regard to its context, and there should be no unacceptable loss of amenity. Core Strategy policy CS5 reiterates the matters of design set out in local plan policy DS1, albeit there is no reference to amenity.

At the national level the NPPF establishes a number of core principles that have to be taken into account by the decision-taker, which include seeking a high quality of design and good standard of amenity, together with taking into account the different roles and character of different areas.

The PPG adopts the position of the NPPF in terms of design. With regard to amenity, the PPG addresses the matter of amenity by commenting that the form of buildings and their associated function, coupled to their relationship to each other, can have an impact upon wellbeing.

In design terms the appearance of the built garage follows that of the consented development in terms of espousing a simple utilitarian form that is subservient to the host dwelling and is a feature common to the area. With regard to visual amenity, whilst the building has increased in height and width it is considered that the 'completed' garage will not harm the visual amenity of the immediate and wider area and as such it is not contrary to the aforementioned policies of the development plan and national guidance.

On the issue of residential amenity, it is accepted that privacy and the protection of general amenity constitutes a material consideration in determining development proposals and is an important design objective in ensuring that residents of properties bounding any development site and those occupying new dwellings feel at ease within and outside their homes.

A garage within the curtilage of a dwelling falls under the scope of constituting a building incidental to the enjoyment of the dwellinghouse and this extends not just to the parking of cars but also undertaking hobbies. Consequently, it would be unreasonable to place a condition on any planning permission restricting the garage to the parking of motor vehicles and it is considered that adopting such an approach would not comply with the tests for a lawful condition and would be open to a successful challenge at appeal. Members should bear in mind that the original approval did not seek to restrict the use of the garage.

It is considered that the garage would not harm the amenity of neighbouring residents or be contrary to the relevant policies of the local plan and national guidance.

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: QUIBELL/2014/02B and QUIBELL/2014/03B.

Reason

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

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.

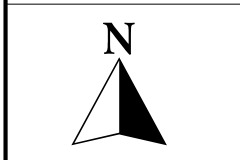


Title: PA/2014/1161

Drawn by: Sue Barden

Date: 23/12/2014

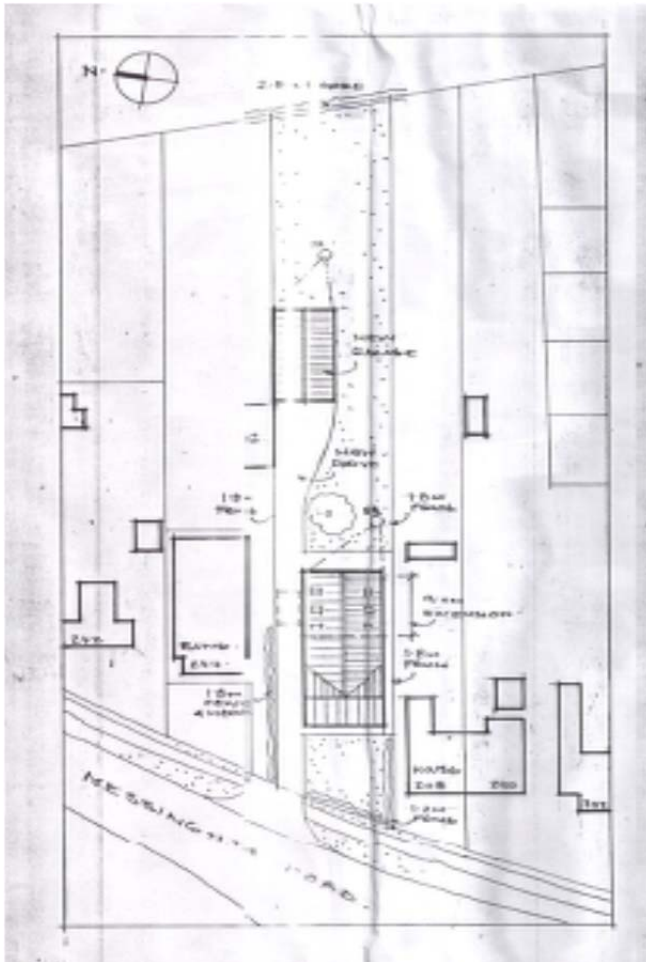
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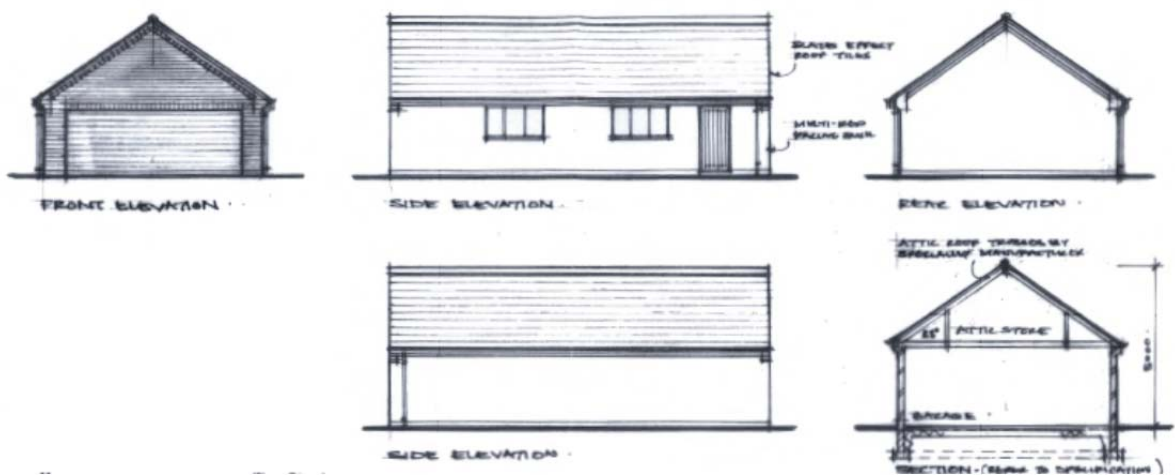
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PROPOSED LAYOUT SHOWING EXXTENSION AND GARAGE



PROPOSED GARAGE ELEVATIONS

PA/2014/1161