

**APPLICATION NO** PA/2016/796

**APPLICANT** Mr & Mrs Lock

**DEVELOPMENT** Planning permission to erect single dwelling with internal garage

**LOCATION** Land to the rear of Glenroyd, Front Street, Ulceby, DN39 6SY

**PARISH** Ulceby

**WARD** Ferry

**CASE OFFICER** Scott Jackson

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

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

## **POLICIES**

**National Planning Policy Framework:** Paragraph 7 – Achieving sustainable development.

Paragraph 11 – Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 12 – Proposed development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Paragraph 55 – Relates to the promotion of sustainable development to ensure that housing is located where it will enhance or maintain the vitality of rural communities.

Paragraph 56 – Relates to good design and attaches great importance to the design of the built environment. Good design is indivisible from good planning and should contribute positively to making places better for people.

**North Lincolnshire Local Plan:** Policies DS1, H5, H7, H8, T1, T2 and T19 apply.

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS5, CS7 and CS8 apply.

## **CONSULTATIONS**

**Highways:** No objection but recommend conditions in respect of adequate parking and turning facilities being retained for the existing house, details of the method of preventing surface water run-off from hard paved areas and no loose material within 10 metres of the adopted highway. Conditions are also recommended that no boundary treatment exceeds a height of 1.05 metres within 2 metres of the highway, the provision of vehicular access and parking for the proposed dwelling and details of the private driveway.

**Historic Environment Record:** No objection.

**Environmental Health:** The application for residential development is a sensitive end use. It is the developer's responsibility to assess and address any potential contamination risks. No supporting information has been provided by the applicant that demonstrates the land has not been impacted by contamination, and that any potential risks can be reduced to an acceptable level. Recommend a condition that a contaminated land investigation is undertaken.

## **PARISH COUNCIL**

Objects on the following grounds:

- highway safety
- dangerous access and exit
- backland development which is inappropriate.

## **PUBLICITY**

Neighbouring properties have been notified. Four letters of objection have been received raising similar issues to those raised by Ulceby Parish Council together with the following issues:

- the proposed dwelling is closer to the objector's house
- the plan is inaccurate as the dwelling is not clearly marked
- inappropriate development
- tandem and backland development
- loss of privacy and noise generation
- garden will be overlooked from Parks Close
- noise and disturbance from construction
- surface water drainage issues
- the proposed access will serve three properties
- removal of trees
- impact on human rights
- fire and smoke from burning of waste
- soakaway has been filled in with debris
- inaccuracies with the planning application form, the site can be seen from the public highway.

Two letters of support have also been received on the grounds that the removal of trees has improved light to rear gardens, the principle of the house to the rear has already been established and the site has been cleared to an acceptable condition.

One letter of further comment has also been received.

## **ASSESSMENT**

The application site is garden land to the rear of the residential property on Front Street, known as Glenroyd in Ulceby. The garden is located to the north of the property and extends to approximately 50 metres in depth. The site is located within the settlement boundary for Ulceby. The area is predominantly residential in nature and a former church is located to the south-east. An existing vehicular access from Front Street to the south-east runs to the side of the host property. There is a terrace of residential properties located on Parks Close to the east of the site.

**The main issues in the determination of this planning application are the principle of development, and its impact on the character and appearance of the area and upon residential amenity.**

### **Principle**

The proposal is for the erection of a new dwelling on garden land to the rear of a residential property in Ulceby. The site (the rear garden) is located within the settlement boundary for Ulceby. Therefore, subject to meeting detailed criteria, there is a presumption in favour of residential development in this case. The main issues to consider are impact on the character of the area and upon residential amenity.

Planning permission was refused for the erection of a dwelling on this site (PA/2015/0299). That application was subsequently allowed at appeal on 24 December 2015 by a Planning Inspector, and a number of conditions were attached with the Inspector's report. Given the fact the Planning Inspector has allowed the appeal and attached necessary conditions the principle of residential development at this site is considered acceptable in this case.

### **Street scene**

It is noted that the proposed dwelling will be set back a significant distance from the public highway (44 metres) and will be screened to the rear of the existing property to the highway frontage known as Glenroyd. Given this set back distance it is accepted that the proposed dwelling will not be highly visible from the public highway to the south; furthermore it will be screened by the row of dwellings along Parks Close to the east and partly by the existing dwelling to the south. It is concluded that the proposed dwelling and garage will not be highly visible in the street scene.

The main issue to consider is the pattern of built development in this part of Ulceby. The pattern of development along the northern side of Front Street is somewhat non-linear with detached dwellings located at various distances from the public highway. Conversely the pattern of residential development along the southern side of Front Street is much more ordered, with detached dwellings set back from the highway arranged in a linear form with spacious rear gardens. There are no examples along Front Street where the land to the rear of dwellings has been developed for housing, i.e. forms of backland and tandem development. Notwithstanding this the Planning Inspector's report highlighted that as the large rear garden of the host property did not form such a distinguishing feature of the

area's character, its subdivision would not harm the predominant character of the area. In considering policy H7 (Backland and Tandem Development) of the North Lincolnshire Local Plan the Inspector concluded that the proposal would comply with the quality and character requirements of this policy in that it wouldn't unacceptably increase development density in the area, result in the loss of important features or lead to a proliferation of vehicular accesses. Given the comments made by the Planning Inspector it is considered that the proposal does not form an unacceptable form of backland and tandem development in this case.

Turning to the design and scale of the proposed dwelling itself, the proposal is considered to be proportionate to the size of the plot with sufficient space for off-street parking, an integral garage and a garden to the rear. The proposal is not considered to represent over-development of the site. The proposed dwelling is of a gable design with each elevation broken up by either a window or door opening. The scale and height of the proposed dwelling is considered proportionate to the scale of existing detached dwellings in the immediate vicinity. No issues are raised in relation to the design, scale and height of the proposed dwelling.

### **Residential amenity**

The proposal is located to the west of a number of residential properties, the majority of which are two-storey in height and arranged in a terrace in a north to south direction. The separation distance from the rear elevations of these neighbouring properties to the eastern boundary of the garden proposed to serve the dwelling varies between 5 and 5.5 metres. The Planning Inspector acknowledges that the site is overlooked by first-floor windows of houses within Parks Close. However the Inspector assessed this issue and stated in their report that the garden area of the proposed dwelling is of a sufficient size that would enable it to be landscaped in such a way as to provide areas of seclusion and privacy within it; a landscaping condition is recommended to this end. In determining the issue of residential amenity the Planning Inspector concludes that the loss of privacy likely to be experienced by users of the garden arising from this overlooking would not be so harmful as to have an unacceptable effect on the living conditions of future occupiers.

The proposed dwelling includes the provision of living accommodation with two bedrooms in its roof slope, served by a number of rooflights to the western roof slope and a window in the first-floor gable of the southern elevation. This window will serve a bedroom and have an outlook in a southerly direction towards the rear garden of the host property. However this window will be positioned 30 metres from the rear elevation of Glenroyd and 20 metres from the area which is considered to constitute the most private garden area of this neighbouring property. These separation distances are considered sufficient to protect the amenity of the host property from the effects of overlooking.

It is accepted that there is sufficient space within the site to accommodate off-street parking and private amenity space to the front, side and rear of the dwelling. The noise and disturbance generated during the construction period will be short-term, therefore not harming the long-term amenity of neighbouring properties. The noise generated from the comings and goings of additional traffic is not considered to be above that expected in a residential area; therefore no loss of residential amenity is considered to occur as a result of increased vehicular movements.

## Other issues

There is sufficient space within the site for the setting out of soakaways for surface water drainage disposal. In terms of drainage capacity issues it is a matter for the relevant sewerage undertaker to ensure that this matter is addressed. This is an existing vehicular access onto Front Street and Highways have raised no objection to the proposed development on highway and pedestrian safety grounds, nor on grounds of the access being served by more than one property.

Planning permission is not required for the trees which have been removed from the rear part of the site. However, in order to be consistent with the Planning Inspector's decision, it is considered prudent to recommend a condition for the submission and implementation of an agreed soft landscaping scheme for the site. This will result in the potential for biodiversity enhancements for the site and ensure that necessary screening is provided to the rear garden of the proposed dwelling so that it remains private.

Environmental Health has recommended a condition in respect of contaminated land investigation. However this condition was not recommended by the same department in response to the previous planning application (PA/2015/0299) and this condition was not imposed by the Planning Inspector. In light of this it is not considered reasonable to recommend a condition of this nature in this case.

### **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: 001B, 002A, 003A and 004A.

Reason

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

3.

No development shall commence until details of the materials to be used in the construction of the external surfaces of the dwelling and car port hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

No development shall commence until details of a surface water drainage system, including measures to prevent surface water from hard surfaces within the curtilage of Glenroyd and the proposed dwelling being discharged onto the highway, have been submitted to and

approved in writing by the local planning authority. The approved system shall be completed and connected before the dwelling is first occupied, and permanently retained thereafter.

Reason

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

5.

No development shall commence until details of the driveway, parking and turning areas for both Glenroyd and the proposed dwelling, including details of construction, materials, lighting and any drainage details not approved under condition 4, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details, shall be completed before the new dwelling is first occupied and thereafter kept available at all times for the access, parking and manoeuvring of motor vehicles by the occupants of the new dwelling and Glenroyd, and their visitors, and for no other purpose.

Reason

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

6.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no structure or erection exceeding 1.05 metres in height above the height of the level of the adjoining carriageway shall be placed within a distance of 2 metres from the highway for the width of the site frontage with the highway. No shrubs, trees or other vegetation shall be allowed to grow above 1.05 metres in height above the height of the level of the adjoining carriageway within the area referred to above.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

7.

No 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.

8.

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.

9.

No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- (a) details of screening and other works within the garden to provide areas of privacy and seclusion; and
- (b) indications of all existing trees on the site, identifying those to be retained and setting out measures for their protection throughout the course of development.

The development shall be carried out in accordance with the approved scheme and tree protection details. All hard landscaping, fencing, screening, enclosures and earthworks comprised in the approved details of landscaping shall be implemented before the building is first occupied. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason

To enhance the appearance of the development in the interests of amenity.

10.

Construction works, including deliveries and collection of plant and materials to and from the site, and installation and operation of any plant and equipment on the site, shall take place only between the hours of 8am to 5pm Monday to Friday, 8am to 1pm on Saturdays and at no time on Sundays or public/bank holidays.

Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

11.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

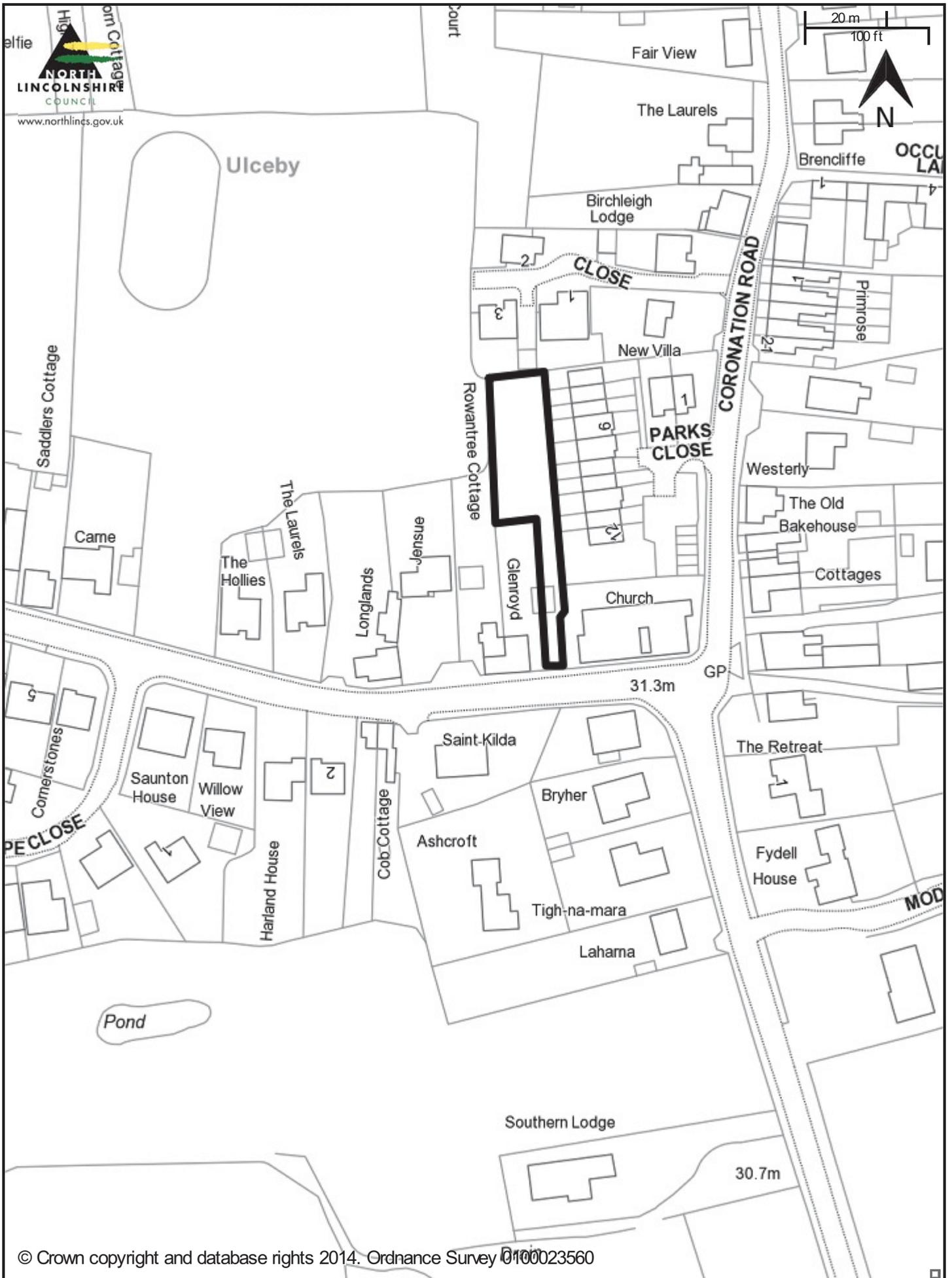
**Informative 1**

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

**Informative 2**

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.

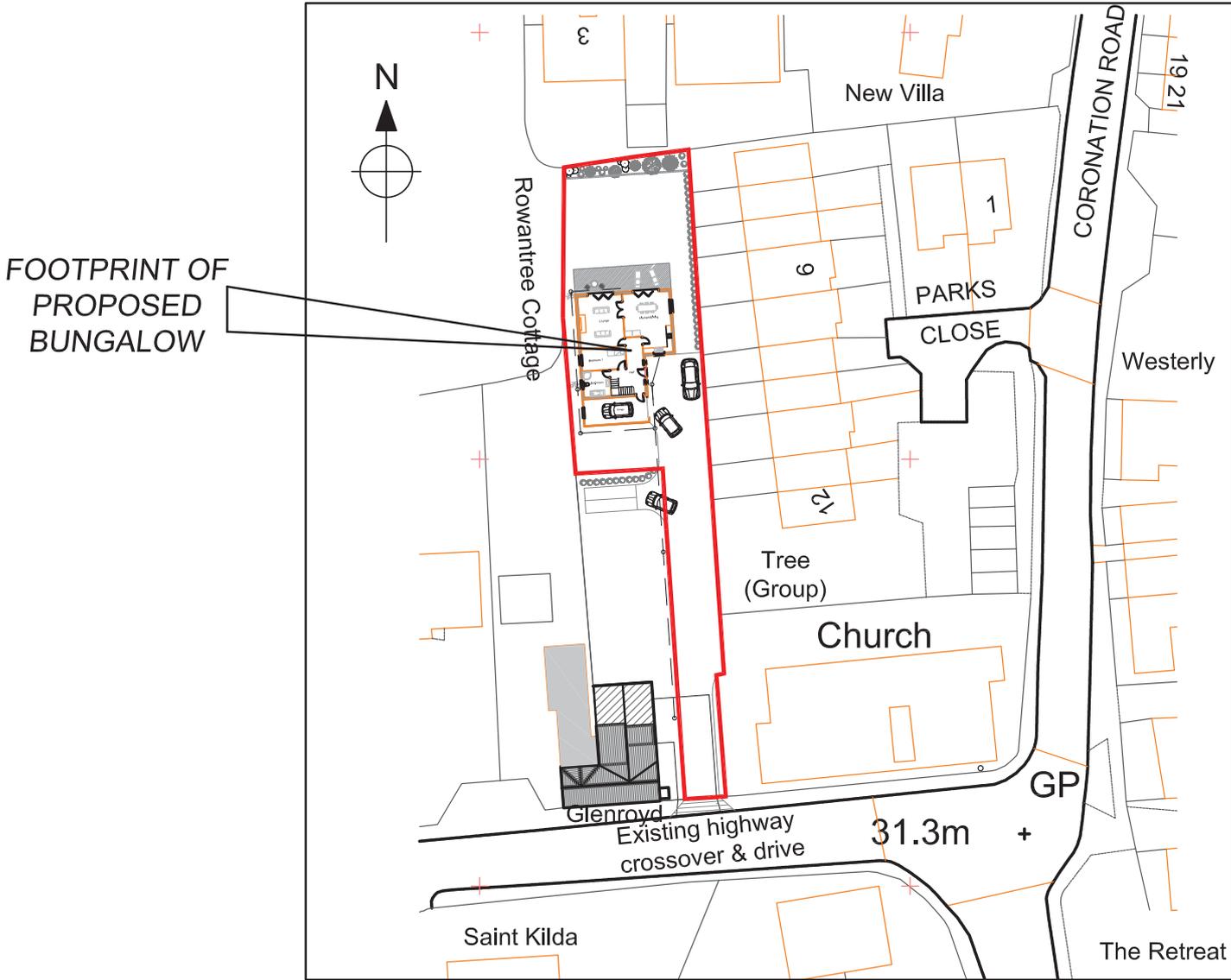


PA/2016/796

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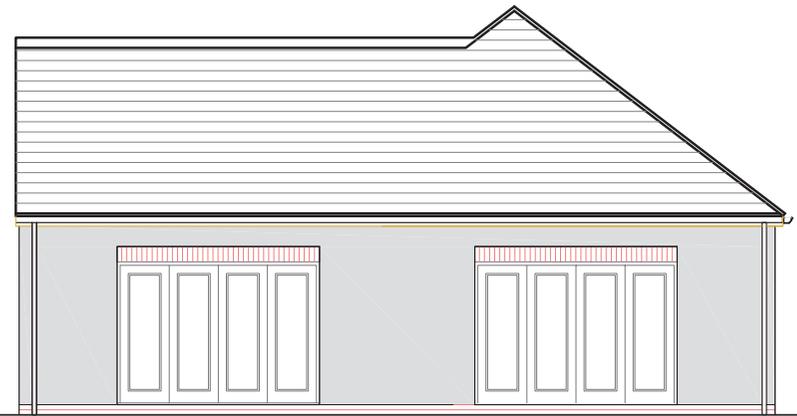


**SITE LAYOUT**  
SCALE 1:500

PA/2016/796 Proposed Elevations - Not to scale



**PROPOSED WEST ELEVATION**  
SCALE 1:50



**PROPOSED NORTH ELEVATION**  
SCALE 1:50



**PROPOSED EAST ELEVATION**  
SCALE 1:50



**PROPOSED SOUTH ELEVATION**  
SCALE 1:50