

<b>APPLICATION NO</b>	<b>PA/2018/1300</b>
<b>APPLICANT</b>	Mr & Mrs C King
<b>DEVELOPMENT</b>	Planning permission to erect an extension and carry out alterations to an existing dwelling, and change the use of existing land to domestic garden
<b>LOCATION</b>	The Paddocks, Bird Lane, Westgate, Belton, DN9 1QG
<b>PARISH</b>	Belton
<b>WARD</b>	Axholme Central
<b>CASE OFFICER</b>	Andrew Willerton
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Belton Parish Council

## **POLICIES**

**National Planning Policy Framework:** Paragraph 2 states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Framework must be taken into account and is a material consideration in planning decisions.

Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 11 sets out the presumption in favour of sustainable development. For decision taking this means approving development proposals which accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or where relevant policies are out of date, granting planning permission unless policies of the Framework protect an area or assets of particular importance that provide a clear reason for refusing the development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Paragraph 54 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 55 states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Paragraph 59 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 78 states to promote housing in rural areas housing should be located where it will enhance or maintain the vitality of rural communities and where there are groups of smaller settlements, development in one village may support services in a village nearby.

Paragraph 108 states that safe and suitable access to the site should be achieved for all users with any significant impacts from the development being cost effectively mitigated to an acceptable degree.

Paragraph 109 states that development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Paragraph 128 states that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and the local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

Paragraph 189 states that in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 192 states that in determining planning applications local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

Paragraph 195 states that where a proposed development will lead to substantial harm (or total loss of significance) of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that that substantial harm or total loss is necessary to achieve substantial public benefits that outweigh the harm or total loss.

**North Lincolnshire Core Strategy:**

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering Quality Design in North Lincolnshire)

CS6 (Historic Environment)

**Housing and Employment Land Allocations DPD:**

Inset Map for Belton

PS1 (Presumption in Favour of Sustainable Development)

**North Lincolnshire Local Plan:**

RD2 (Development in the Open Countryside)

RD10 (Replacement, Alteration and Extensions to Dwellings in the Open Countryside)

DS1 (General Requirements)

DS5 (Residential Extensions)

LC14 (Area of Historic Landscape Interest)

**CONSULTATIONS**

**Highways:** Originally requested further information in relation to access, parking and turning arrangements within the site. Following receipt of such information, no objection or further comments to make.

**Drainage:** No comments received.

**Historic Environment Record:** Advises refusal of the application due to it being outside the development area and considers the proposal would adversely affect the character, appearance and setting of the historic landscape.

**Public Rights of Way:** No comments received.

**Internal Drainage Board:** States that surface water run-off to receiving watercourses should not be increased as a result of development and the suitability of soakaways as a means of surface water disposal should be ascertained prior to planning permission being granted.

## PARISH COUNCIL

Objects to the proposal due to the poor and limited access. Also, this is backland development into the open countryside. The parish council also draws attention to the comments made by the Public Rights of Way Offer under PA/2018/541.

## PUBLICITY

The application has been advertised by site notice and within the local press for a period of not less than 21 days prior to writing this report.

## ASSESSMENT

The application site forms land to the rear of 146 Westgate Road, Belton. 146 Westgate Road is a detached bungalow. To the rear of this is a building which is permitted for use as a separate dwelling. This gained consent through the removal of a condition (PA/2017/38) which required its use in connection with 146 Westgate Road under PA/2012/1474. Planning permission is sought for the erection of an extension to the set-back dwelling. Planning permission is also sought to change the use of land to the rear of the set-back dwelling to domestic garden. This land is currently permitted for equestrian use (PA/2012/1264) and hosts a ménage and large outbuilding. The application being considered by this report is a re-submission of PA/2018/541 which was withdrawn by the applicant following concerns raised by the local planning authority.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELA) DPD which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising the Planning Practice Guidance (PPG).

**The main issues for consideration with regard to the determination of this application are the siting and appearance of the extension with regard to the host dwelling and neighbouring properties, and whether the change of use of land to garden is acceptable with regard to local policy and its designation as an area of special historic landscape interest.**

### Residential extension

The application site is within the settlement of Westgate. According to the HELA DPD, this settlement does not have a development limit. Therefore, for the purposes of planning, the site is considered to be within the open countryside. NLCS policies CS1, CS2, CS3 and NLLP policy RD2 govern development in the open countryside. These policies seek to restrict development to that which is justified as essential to occur in that location. NLLP policy RD2 permits extensions to existing dwellings in the open countryside with policy RD10 setting out the criteria to assess such applications.

The first criterion of NLLP policy RD10 is not relevant to the proposal as it deals with replacement dwellings. The second criterion is relevant and states that extensions will be

permitted provided that the volume of the proposed extension does not exceed that of the original dwelling by more than 20% exclusive of permitted development rights. In this case, the proposed extension would represent an approximate increase in volume by 60% which is significantly beyond the 20%. However, the wording of the policy states that the increase in permissible volume is exclusive of permitted development rights. Under permitted development, the existing back dwelling could theoretically be extended up to 8 metres in depth from the rear elevation and off either side provided that the extensions are no greater than half the width of the house. Given this fact, the proposed extension is not considered to increase the volume of the original dwelling significantly more than 20% when taking into account the volume of what could theoretically be achieved under permitted development. It is recommended that conditions be imposed to remove permitted development rights from the dwelling to prevent its uncontrolled expansion within the open countryside.

The extension is also to be finished in painted render and concrete tile which match the facing materials used on the existing building. The extension is considered to be acceptable in terms of its design and appearance. The proposal accords with the third criterion of NLLP policy RD10 as this requires new construction to be of a high standard of design that reflects the architecture of the existing building.

The application for consideration by this report is a re-submission of PA/2018/541 which was withdrawn by the applicant following concerns raised by the local planning authority. These concerns related to the impact of the proposed extension on residential amenity afforded to the front dwelling, 146 Westgate Road. The applicant has amended the design of the extension to the rear dwelling by siting further away from the boundary with the front dwelling. The proposed extension is now to be 6.6 metres away from the boundary with number 146. The proposed extension features an eaves and ridge height to match those of the host dwelling, these heights being 2.6 metres and 5.75 metres respectively. The extension has been designed so that the roof slope is sited towards the front property which reduces its impact. No first floor windows are proposed to the side elevations of the rear building with windows being to the north and south elevations only. The rooflights proposed to the southern elevation have the potential to overlook the rear garden of the front property (number 146). However, from a review of the plans, these windows serve non-habitable rooms or are to be screened to prevent overlooking by the presence of internal walls. It is not considered that the proposal would result in significant harm to the outlook of the front property or to residential amenity of neighbouring properties in terms of light and privacy. The proposal is therefore in accordance with the final criterion of NLLP policy RD10.

### **Change of use**

The proposal also seeks to change the use of land to the rear (north) of the site to domestic use. This land is currently consented for use for equestrian purposes and hosts a large outbuilding in addition to a ménage. The settlement of Westgate, and therefore the application site, is outside of any development limit as defined by the HELA DPD and accordingly, in planning terms, is within the open countryside. National and local planning policies seek to regulate development in such a location to that which is essential or justified to meet a need that cannot be met elsewhere. In this case the land is proposed to be used for domestic purposes in association with the dwelling to the rear of 146 Westgate Road. The change of use to domestic use is justified in this case as it is only land adjacent to the dwelling that could be effective in serving such a need.

The land is designated as being of special historic landscape interest subject to NLLP policy LC14. The Historic Environment Record (HER) has objected to the proposal as no heritage statement has been supplied and it is considered that the change of use of land to domestic use would form an unacceptable intrusion into the historic landscape. It is noted that a change of use of land from agriculture to equestrian use has been granted previously and the land developed through the erection of a large outbuilding and ménage. A number of properties to the east of the site have also seen development occur up to the track running to the rear of the site with land being used for domestic purposes. Despite the objection from the Historic Environment Record, it is considered that the rear track forms a natural and established buffer between the domestic nature of properties along Westgate Road and the open fields to the north. Therefore, the change of use is considered to be acceptable and the proposal would not adversely affect the setting of the historic landscape.

Conditions are recommended to remove permitted development rights in relation to residential outbuildings that could otherwise be constructed within the proposed domestic garden. This would allow the development to be controlled to ensure that no adverse impact will occur to the setting of the adjacent historic landscape.

### **Other matters**

The parish council has objected to the proposal as it is backland development within the open countryside. The parish council also objects to the poor and limited access to the site and refers to comments made previously by the Public Rights of Way Officer (PROW).

The proposal is for the erection of an extension to an existing authorised backland dwelling; permission is not sought for the creation of a new dwelling. The site gained planning permission as a separate dwelling under PA/2017/38 following the removal of condition 3 of PA/2012/1474 which tied the building's use to the front dwelling, number 146. In addition to allowing the use of the rear building as a separate dwelling, it also permitted the use of the rear track as an independent access. Highways requested additional information in relation to the access, driveway and parking arrangement in relation to the application being considered by this report. The applicant has provided details of the driveway, parking and turning arrangement from the rear lane. Following receipt of this information Highways have no objection to the proposal.

No comments have been received from the PROW Officer in relation to this application but the Officer has commented on PA/2018/541. The Officer in this response did not object to the proposal and noted that the application related to an existing situation but commented that it would be an offence to drive a mechanically propelled vehicle along a public footpath, which the rear lane is, without the relevant lawful authority. The use of the rear lane as access to the dwelling gained planning permission under PA/2017/38 and whilst these comments are noted, the use of the lane as the access is not a consideration of this application.

The applicant has indicated that a soakaway is to be used to dispose of surface water generated by the proposal. The council's Drainage Team has not commented on the proposal. The Internal Drainage Board has provided standing advice in relation to drainage matters and considers that the feasibility of soakaways should be investigated prior to planning permission being granted. The proposal is minor in scale and forms a residential extension. The site is not in an area known to be at risk of flooding and is currently served by a soakaway. It is not considered necessary due to the scale of development and the

absence of comments from the Drainage Team to ascertain the suitability of the soakaway prior to determination of the proposal.

**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: 1107.07, 1107.06 Revision B, 1107.05 Revision A and 1107.04 Revision A.

Reason

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

3.

Notwithstanding the provisions of Classes A, B, C and E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order (2015), or any order re-enacting that order with or without modification, no extensions, alterations or outbuildings shall be installed in the building or erected on the site other than those expressly authorised by this permission.

Reason

In order to regulate and control development on the site which lies in the open countryside in accordance with saved policy RD10 of the North Lincolnshire Local Plan and to protect the setting of the Area of Special Historic Landscape Interest in accordance with saved policy LC14 of the North Lincolnshire Local Plan.

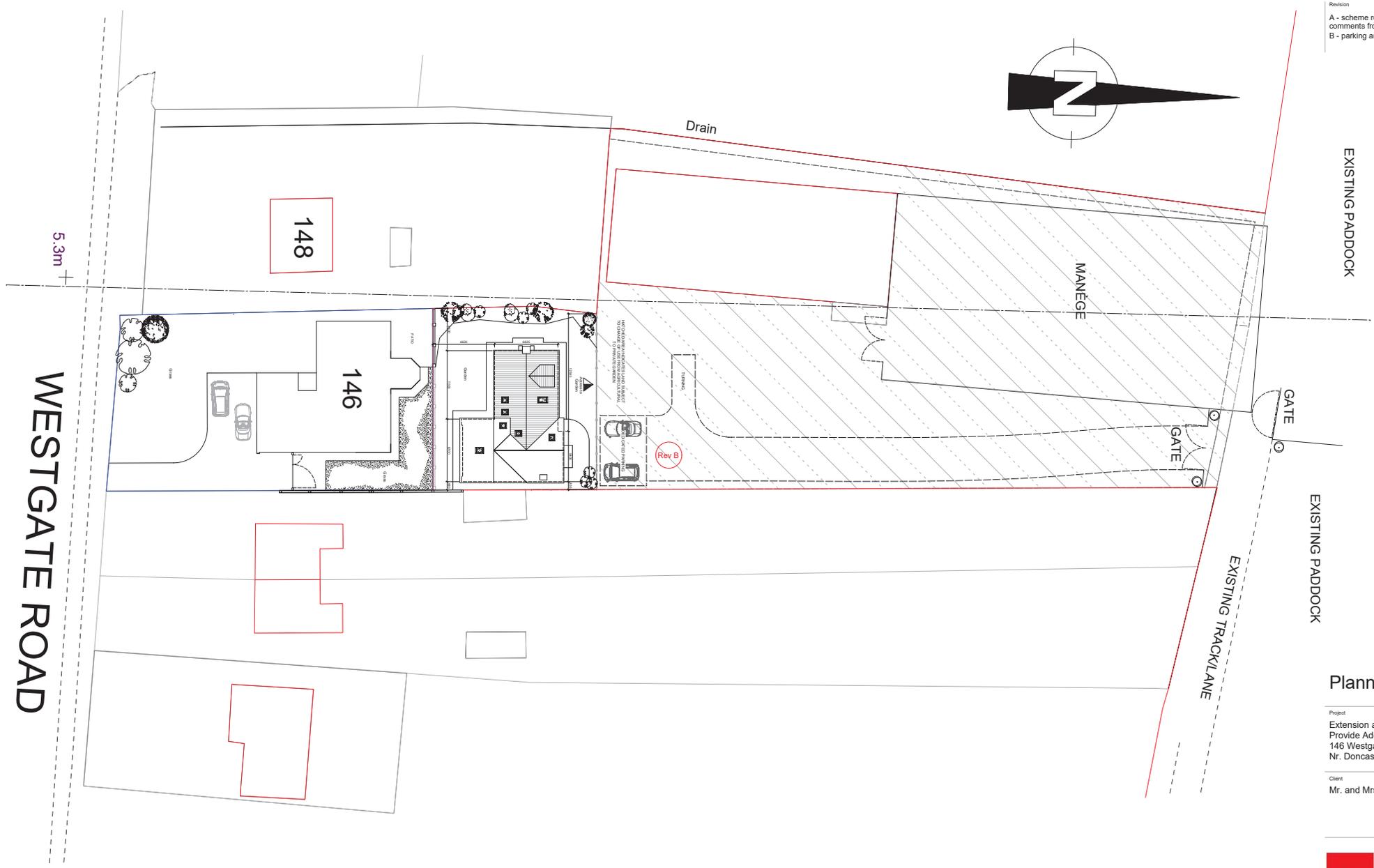
**Informative**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 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/2018/1300 Proposed block plan (not to scale)

Site Layout as Proposed



DO NOT SCALE FROM THIS DRAWING.

**NOTES**  
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Revision	Date
A - scheme revised to take into account comments from the Local Authority.	03.07.18
B - parking arrangements confirmed	06.08.18

## Planning Application

**Project**  
 Extension and Alterations to Dwelling to Provide Additional Accommodation  
 146 Westgate Road, Belton  
 Nr. Doncaster

**Client**  
 Mr. and Mrs. C. King

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Drawn	A. Cheffings
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Revision	B