

<b>APPLICATION NO</b>	<b>PA/2009/0661</b>
<b>APPLICANT</b>	Mr & Mrs J Cook
<b>DEVELOPMENT</b>	Planning permission to erect a dwelling and integral garage (resubmission of PA/2008/1684)
<b>LOCATION</b>	Adjacent to Chapel House, North End, Goxhill
<b>PARISH</b>	<b>GOXHILL</b>
<b>WARD</b>	Ferry
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Goxhill Parish Council
<b>POLICIES</b>	<p><b>Regional Spatial Strategy for Yorkshire and the Humber:</b> Policy H1 (Provision and Distribution of Housing) – the region’s housing stock should be improved and increased to provide appropriate accommodation for all households wanting homes.</p> <p>Policy H1 (Sequential Approach to the Allocation of Land for Housing) – previously used land should be the first preference for new housing.</p> <p><b>North Lincolnshire Local Plan:</b> Policy ST2 (Settlement Hierarchy) identifies Goxhill as a minimum growth settlement and the site is located within the settlement boundary (policy ST3).</p> <p>Policy H5 (New Housing Development) sets out the criteria to control new housing development and to ensure consistency in design and layout.</p> <p>Policies H3 (Previously Used Land), H8 (Housing Mix and Design) and DS1 (General Requirements) also apply.</p> <p>Policy DS14 (Foul Sewage and Surface Water Drainage) applies and states that the council will require satisfactory provision to be made for the disposal of foul and surface water from new development, either by agreeing details before planning permission is granted, or by imposing conditions on a planning permission or completing agreements to achieve the same outcome.</p>
<b>CONSULTATIONS</b>	<b>Highways:</b> Advise conditions.

**Environment Agency:** No objections or comments.

**Anglian Water Developer Services:** No objections or comments.

## **PARISH COUNCIL**

Object on the following grounds:

- The proposed development has the potential to result in flooding arising from poor drainage in Goxhill – there is currently a moratorium on new development in the settlement on grounds of drainage and flood risk.
- The siting of the dwelling would result in overshadowing and loss of amenity to the living accommodation of Chapel House – the dwelling would be better sited further back in the plot.

Amended plans were received on 7 September 2009 showing the proposed dwelling re-sited 3 metres further back into the plot. However, Goxhill Parish Council maintain their objection to the planning application for the same reasons.

## **PUBLICITY**

Neighbouring properties have been notified and three letters of objection have been received, two from the same objector. These letters raise similar issues to those raised by the parish council, together with the following material issues:

- overshadowing of the rear garden to Chapel House
- cramped form of development on a narrow plot
- the appearance of the proposed dwelling is out of keeping with the street scene
- the proposed dwelling should be sited further forward in the plot to ensure it is more in keeping with the street scene
- the construction of the proposed dwelling would involve the removal of a number of trees
- no windows should be installed within the roof space as this would result in overlooking into the rear gardens of adjacent properties
- there is insufficient space within the plot for vehicle parking and turning

Amended plans were received on 7 September 2009. Following re-consultation with neighbouring properties two further letters of objection have been received. These letters raise similar issues to those stated above together with the following material issues:

- the re-sited dwelling will result in loss of amenity to the occupants of Thornton Lodge through overlooking into the rear garden
- loss of amenity through overshadowing to the rear garden of Thornton Lodge
- impact of the development upon the foundations of the single-storey building along the southern boundary belonging to Thornton Lodge

## **ASSESSMENT**

Members may recall that they visited this site before the last committee meeting on 16 September and that the application was subsequently deferred pending receipt of further information. The site plan accompanying this report shows the original position of the house before the application was deferred and the amended (latest) position of the dwelling, sited 3 metres further back into the plot.

The site was granted outline planning permission (PA/2007/0400) for the erection of a detached house and single integral garage. A previous planning application (PA/2008/1684) for a dwelling with integral garage was refused planning permission on the grounds that its scale, size and siting would have resulted in the development being out of keeping with the street scene and causing harm to the amenity of adjacent residential properties. The front of the proposed dwelling has been reduced by approximately 1.5 metres in depth, the conservatory has been deleted from the rear of the dwelling and no accommodation is proposed in the roof.

Amended plans were received on 7 September 2009 showing the proposed dwelling sited 3 metres further back into the site. Percolation tests have also been submitted with the amended plans to demonstrate whether soakaways can be used for surface water disposal.

The application site previously served as private amenity space to the side of Chapel House, sited to the north. Properties in the immediate vicinity are a mix of one and two-storey detached dwellings of varied design and age.

**The main issues in determining this application are whether the proposed development has the potential to result in flooding arising from poor drainage in Goxhill, whether the dwelling would result in loss of amenity to the occupants of Chapel House through overshadowing and whether it should be re-sited within the plot. Further issues are whether the appearance and design of the dwelling are out of keeping with the street scene, whether windows within the roof space would overlook adjacent properties, whether trees would be removed to facilitate the proposed dwelling and whether there is sufficient parking space within the site. Additional issues for consideration are whether the re-sited dwelling would result in overshadowing and overlooking to the rear garden of Thornton Lodge and whether the construction of the dwelling would infringe on the foundations of the single-storey building along the boundary with Thornton Lodge.**

The siting of the dwelling further back in the plot could result in a form of development that is out of keeping with the development pattern and the street scene along North End and could lead to loss of amenity to adjacent properties through overlooking of their rear gardens. The re-siting of the dwelling further forward in the plot would result in a significant loss of amenity to the occupants of Chapel House through overshadowing of their garden.

The siting of the dwelling in its non amended position would result in some overshadowing to the garden of Chapel House. Additionally there is a separation distance of 6.5 metres from the side of Chapel House to the side of the proposed dwelling. It is considered that the dwelling as sited in the suggested position would result in the minimum level of overshadowing to Chapel House.

With regard to flooding, no adverse comments have been received from any statutory consultee. The site is located in zone 1 of the Strategic Flood Risk Assessment (SFRA) where it is not a requirement that the sequential or exceptions test be applied. Therefore, in accordance with the SFRA, the development of this site for residential purposes is considered to be appropriate. In addition, the site already has the benefit of outline planning permission and the principle of developing the site is established.

Members will be aware that the decision to impose a moratorium on new housing development was upheld in April, and that every application for development within

Goxhill will be considered on its own merits, giving full consideration to the drainage and sewerage conditions for the site and whether planning permission exists on the site. No issues have been raised by any statutory consultee regarding the drainage of this site. With reference to impact upon drainage, a condition can be imposed requesting details of drainage disposal before any development takes place on site. This would allow the local planning authority to carefully assess the impact of the proposed development upon the existing drainage system.

The proposed dwelling would be sited on the narrowest part of the plot. However it would be set in from the northern and southern boundaries by 1 metre and would occupy a similar footprint to adjoining properties. There is provision for a rear garden, which is approximately 400 square metres, together with a front garden and space for vehicle parking and turning. The dwelling would be sited 6.5 metres from Chapel House to the north and 6 metres from Thornton Lodge to the south. Therefore the proposed dwelling is not considered to represent a cramped form of development.

It should be noted that there is a single-storey building located along the southern boundary used as residential accommodation ancillary to the main house known as Thornton Lodge. This building is 1 metre from the southern wall of the proposed dwelling. However the northern boundary of this ancillary accommodation is a blank wall; there will therefore be no demonstrable loss of amenity from the siting of the proposed dwelling.

The proposed dwelling would be constructed at a similar ridge height (8 metres) to neighbouring properties and would occupy a similar built footprint. The existing vernacular along North End is made up of properties of different ages, designs and heights. The design and appearance of the proposed dwelling is akin to modern infill plots common to most settlements in North Lincolnshire. Therefore the appearance of the proposed dwelling is not considered to be out of keeping with the street scene.

It should be noted that some trees are to be removed to facilitate the construction of the proposed dwelling. However these trees are not protected and not classified as being highway or conservation area trees. The large fruit tree to the front of the site is to be retained together with some trees and hedges along the rear boundary.

The plans submitted with the planning application show rooflights in the southern elevation. A condition can be imposed to ensure that these windows are obscure glazed. A further condition can be imposed preventing any further rooflights being installed without the need for planning permission. This would ensure that there would be no overlooking into the rear gardens of adjoining properties. The bathroom window at first floor in the southern elevation will also be obscure glazed. This will ensure no overlooking to the rear garden of Thornton Lodge.

The council's Highway officers have considered the arrangements for vehicle access, parking and turning. It should be noted that no objections have been raised about these matters and sufficient space would be provided to the front of the dwelling for vehicle parking and turning. Furthermore the re-siting of the dwelling 3 metres further back into the plot would allow additional space for vehicle parking and turning to the front of the proposed dwelling.

Although the amended plan shows the proposed dwelling to be sited 3 metres further back into the site it is considered that the existing single-storey building belonging to Thornton Lodge would result in some overshadowing to its rear garden. The rear garden to Thornton Lodge is east-facing and there are existing buildings belonging to Thornton Lodge along the northern boundary. In light of the orientation of the garden and the existence of buildings along the northern boundary belonging to the objector's property it is considered the re-siting of the proposed dwelling and the potential for overshadowing to the rear garden of Thornton Lodge would be minimal.

The plans show a 1 metre separation distance between the southern wall of the proposed dwelling and the single-storey outbuilding belonging to Thornton Lodge. It is the responsibility of the applicant to ensure that the foundations of the proposed dwelling don't infringe on the building belonging to Thornton Lodge.

## **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 shall be carried out in accordance with the amended details received by the local planning authority on 7 September 2009.

Reason

To define the terms of the permission and to help ensure the development is in keeping with its surroundings in accordance with policy DS5 of the North Lincolnshire Local Plan.

3.

No development shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

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 take place until a scheme for the disposal of foul and surface water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

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

5.

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.

6.

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.

7.

Nothing shall at any time, whether permitted by the Town and Country Planning (General Permitted Development) Order or not, be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

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

8.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) shall be retained.

Reason

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

9.

Before the dwelling is first occupied, the windows in the roof plane and the bathroom window on the first floor of the southern elevation shall be obscure glazed and shall be retained in that condition thereafter.

Reason

In order to protect the living conditions presently enjoyed by the occupants of adjoining properties in accordance with policy DS5 of the North Lincolnshire Local Plan.

10.

Notwithstanding the provisions of the Town and Country

Planning (General Permitted Development) Order 1995 (or any order re-enacting that order with or without modification), no new window openings shall be created in the roof plane of the dwelling other than those shown on the submitted plan.

**Reason**

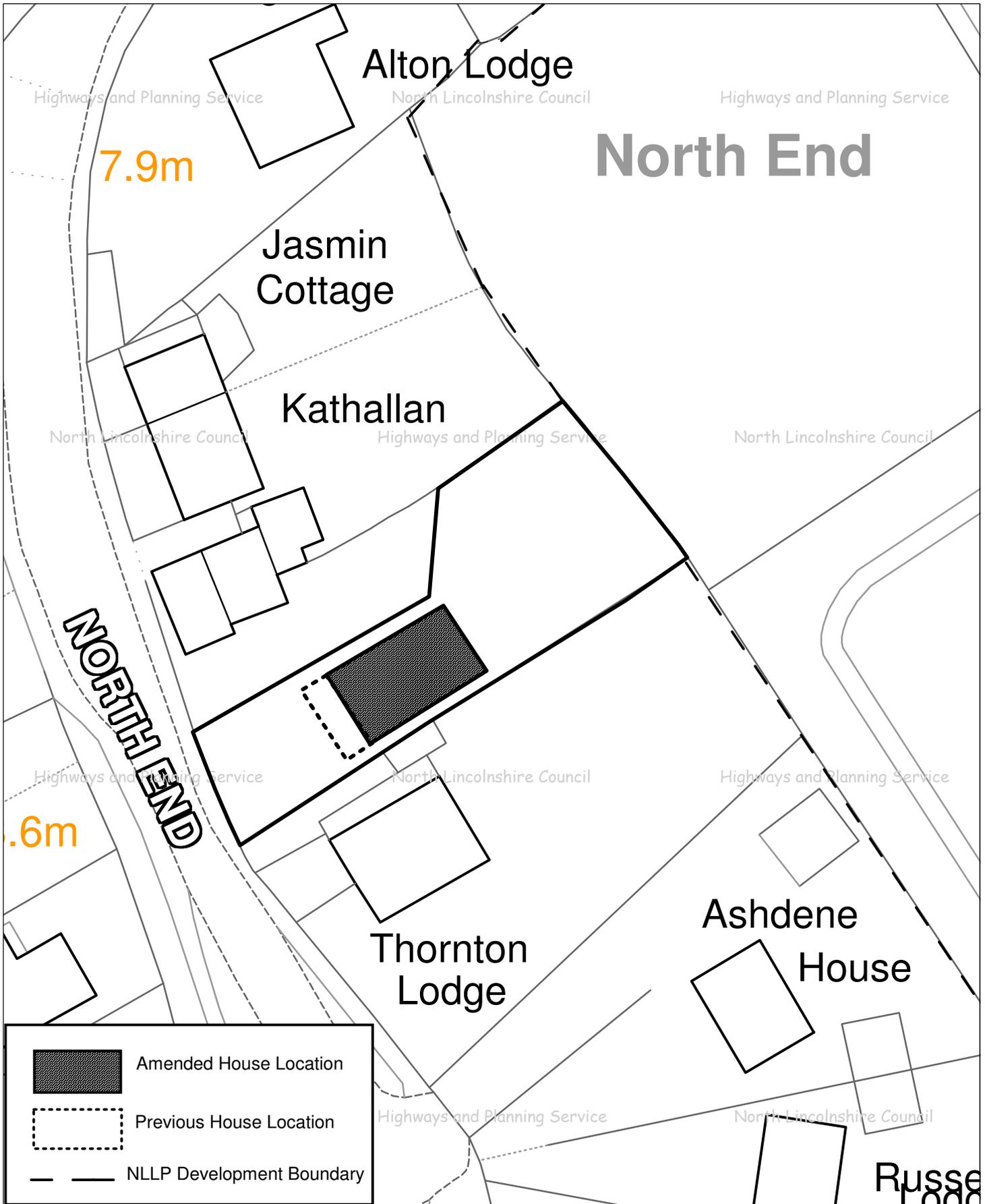
In order to protect the living conditions presently enjoyed by the occupants of adjoining properties in accordance with policy DS5 of the North Lincolnshire Local Plan.

11.

Notwithstanding the provisions of Classes A to E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, or any order revoking and re-enacting that order with or without modification, no extensions shall be erected on the site nor windows installed other than those expressly authorised by this permission.

**Reason**

To protect the amenity of the occupiers of adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.



Drawing Title: 2009/0661 (Amended)

OS Grid Ref: TA10322186

Drawn by: SJ

Scale: 1:500

Date: 21/09/2009



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**Highways and Planning Service**

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