

APPLICATION NO PA/2010/0448
APPLICANT Mr D Brown
DEVELOPMENT Planning permission to erect a conservatory to rear
LOCATION 33 Ogilvy Drive, Bottesford
PARISH **BOTTESFORD**
WARD Bottesford
SUMMARY **Grant permission subject to conditions**
RECOMMENDATION
REASONS FOR Officer discretion
REFERENCE TO
COMMITTEE

POLICIES

North Lincolnshire Local Plan: Policy DS1 (General Requirements) requires a high standard of design in all developments and poorly designed developments will be refused. The following criteria will be used to assess each proposal:

- (i) the design and external appearance should reflect or enhance the character, appearance, and setting of the immediate area;
- (ii) the design and layout should respect and, where possible, retain or enhance the existing landform;
- (iii) no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, including overlooking or overshadowing;
- (iv) amenity open space should be retained where possible;
- (v) no pollution of water, air or land should result.

Policy DS5 (Residential Extensions) requires that residential extensions and the erection of garages, outbuildings, walls and other structures will be allowed providing that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing or loss of privacy to adjacent dwellings. Proposals should also be sympathetic in design, scale and materials to the existing dwelling and its neighbours.

CONSULTATIONS

Highways: No objections.

BOTTESFORD TOWN COUNCIL

No objections.

PUBLICITY

Neighbouring properties have been notified. No objections have been received.

ASSESSMENT

Planning permission is sought for the erection of a conservatory to the rear of 33 Ogilvy Drive, Bottesford. The conservatory measures some 4m in length which, coupled with an existing rear extension measuring 5m, means that the overall length of the rear extensions would be 9m. 33 Ogilvy Drive is a semi-detached property which, when looking at the design and age of the dwelling, would appear to have been constructed in the 1970s or early 1980s. The neighbouring semi has had no extensions.

The main issue to consider in the determination of this application is whether or not the proposed extension would have a detrimental impact on the amenity of the adjoining property by virtue of loss of light to a habitable room window.

The proposed conservatory is, in most respects, relatively modest and is in character with the existing dwelling and neighbouring dwelling. However, in all cases where residential extensions need permission, SPG1 and its relative tests apply – principally, in this case, the 45 degree angle on a horizontal axis. The 45 degree angle already impacts upon the existing extension, therefore the conservatory also fails the test. In most cases applications like this would be refused.

The SPG does, however, allow for a degree of flexibility if the garden is south-facing. 33 Ogilvy Drive is north-east facing however and whilst the proposal does allow for sunlight to pass through, this in turn does not necessarily mean permission can be granted.

However, upon visiting the site it is apparent that the proposal, although clearly contrary to policy, does not in fact cause significant harm to the neighbouring dwelling. There is a drop in site level between the two dwellings and, whilst there is also an existing 2m high wall between them, where the conservatory protrudes the wall, glazing is proposed, allowing for light to pass through. Therefore, coupled with the fact that there are no objections to the proposal, it is considered that in this case an exception can be made to policy in accordance with policies DS1, DS5 and SPG1 of the North Lincolnshire Local Plan.

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: PA/2010/0448/01, PA/2010/0448/02, PA/2010/0448/03 and PA/2010/0448/04.

Reason

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



Drawing Title: 2010/0448

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Highways and Planning Service

Service Director,
G Popple