

APPLICATION NO	PA/2011/0560
APPLICANT	Mr R Olivant
DEVELOPMENT	Planning permission to retain a detached double domestic garage
LOCATION	Elm Cottage West End Road, Ulceby
PARISH	ULCEBY
WARD	Ferry
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Ulceby Parish Council

POLICIES

Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.

North Lincolnshire Local Plan: Policy RD2 (Development in the Open Countryside) only allows proposals for development in the open countryside which are essential to the efficient operation of agriculture or forestry; employment-related development related to the open countryside; affordable housing; outdoor sport or countryside recreation provision; re-use and adaptation of existing rural buildings; farm diversification; replacement, alteration or extension of existing dwellings; or essential for the provision of roadside or utility services; provided that the open countryside is the only appropriate location and development cannot be accommodated within defined development boundaries; the proposal accords with other specific requirements of this chapter of the local plan; it would not be detrimental to the character or appearance of the open countryside or nearby settlement in terms of siting, scale, massing, design or materials; it would not adversely affect residential amenity or highway safety; the proposal must be capable of being served by public transport; and make the best use of existing and new landscaping.

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. The proposals should also be sympathetic in design, scale and materials to the existing dwelling and its neighbours.

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.

North Lincolnshire Core Strategy: Policy CS3 (Development Limits) states that development outside defined development boundaries will be restricted to that which is essential to the functioning of the countryside. This will include uses related to agriculture, forestry or other uses which require a countryside location or that which will contribute to the sustainable development of the tourist industry.

CONSULTATIONS

Highways: Raise no concerns or objections.

PARISH COUNCIL

Object to the garage on the grounds that the site is outside the development boundary and hence in the open countryside and that the garage is larger than a standard double garage.

The parish council has requested that, if planning permission is granted, conditions be imposed restricting the use of the garage to ancillary to Elm Cottage only and restricting the removal of existing hedges and trees around the site.

PUBLICITY

Neighbouring properties have been notified and one letter of objection has been received citing the following material concerns:

- The garage has been built in contravention of a planning condition, which restricted the erection of outbuildings such as garages at Elm Cottage. If permission to retain the garage is granted then the original decision notice and restrictions are worthless.
- The garage spoils the view for the property to the west, which is now forced to look at the large garage next to the dwelling.
- The garage has led to a loss of privacy to the neighbouring property to the west.
- Trees have been felled on site to make way for the garage.

ASSESSMENT

The application site consists of a large, modern, two-storey detached dwelling, a detached garage, the new garage that is the subject of this application, and a very large private garden to the rear. The site is located outside the development boundary for Ulceby and as such is considered to be in the open countryside. The site is bounded by a track, which is a public footpath, along its eastern boundary, a listed cottage to the west and open fields to

the rear and across the A1077 to the front. The site has a good level of screening at present with hedging and trees along the boundaries.

Planning permission was granted on the site in 2009 (PA/2009/1124) to replace the original Elm Cottage with a larger dwelling (existing). A condition was imposed on the permission removing certain permitted development rights from the property and preventing any outbuildings from being erected on the site without planning permission. This application seeks planning permission to retain a large double garage that has been erected on the site recently. The garage requires planning permission as a result of the aforementioned planning condition and would otherwise be permitted development.

The main issues in the determination of this planning application are whether the garage has a detrimental impact on the residential amenity of neighbouring properties, or on the character and appearance of the area.

As stated above, the garage would normally be considered to be permitted development and would not require planning permission. The reason for this application is a condition on a previous planning permission removing certain permitted development rights from Elm Cottage. This condition was imposed due to the size of the site, which would allow a large amount of development without the need for planning permission, and its open countryside location. The purpose of the condition is to allow the local planning authority a degree of control over future development of the site to ensure that it does not impact on the open countryside in the area, or on neighbouring properties. The condition is not designed to forbid any future development on the site, nor does it mean that any proposed outbuilding or extension would be unacceptable. Therefore should planning permission be granted for the retention of the garage, because it is deemed acceptable, then the condition will have served its purpose in protecting the amenity of the area and neighbouring properties and would remain in force to allow the local planning authority to assess the suitability of any future development.

No-one possesses a right to a view, and as such a loss of view is not a material planning consideration. Due to the size of the application site there is a very large separation distance between the garage and neighbouring properties: there is approximately 40 metres between the garage and the nearest residential property to the west and approximately 36 metres between the garage and the nearest property to the east. There is also a good degree of screening around the site by virtue of existing hedging and trees. Therefore, although the garage is larger than an average double garage, it will not dominate neighbouring properties or result in an unacceptable loss of outlook.

This application seeks planning permission to retain a large detached garage. Due to the design and use of the building, overlooking of neighbours will not be an issue. There is only one window in the garage and this is located along its southern elevation, looking onto open fields; no windows face towards neighbours. As such the garage does not lead to a loss of privacy for neighbouring residential properties.

A large proportion of the application site is covered by heavy vegetation at present, including a number of trees, hedging and bushes. Some vegetation has been removed from the site, including the area that was cleared for the garage. However there are no tree preservation orders within the application site and as such no permission would be required to remove trees or other vegetation. This application seeks to retain an existing garage and as such no additional loss of trees or vegetation will result. However the site is still overgrown and further clearing will be likely. Due to the overgrown nature of the garden, the

distance between the garage and neighbouring properties and the fact that there are no windows in the garage facing neighbours, it would be unnecessary and unreasonable to restrict the future removal of planting from the garden as requested by the parish council.

The application site is located in the open countryside, however the garage is an ancillary outbuilding associated with the existing dwelling and will therefore not be contrary to policy. Detached garages are a common site in the countryside and as such the building is not out of keeping with its surroundings. Although the garage is a large building it has been designed to match Elm Cottage and uses the same facing materials. Additionally the application site is a very large plot of land for a residential property and easily accommodates the building without it appearing cramped or over-developed.

Due to the size of the building a condition has been recommended to restrict the garage to domestic use ancillary to Elm Cottage. This will protect the amenities of neighbouring properties by ensuring that the garage cannot be used for other, potentially disruptive uses without prior planning permission.

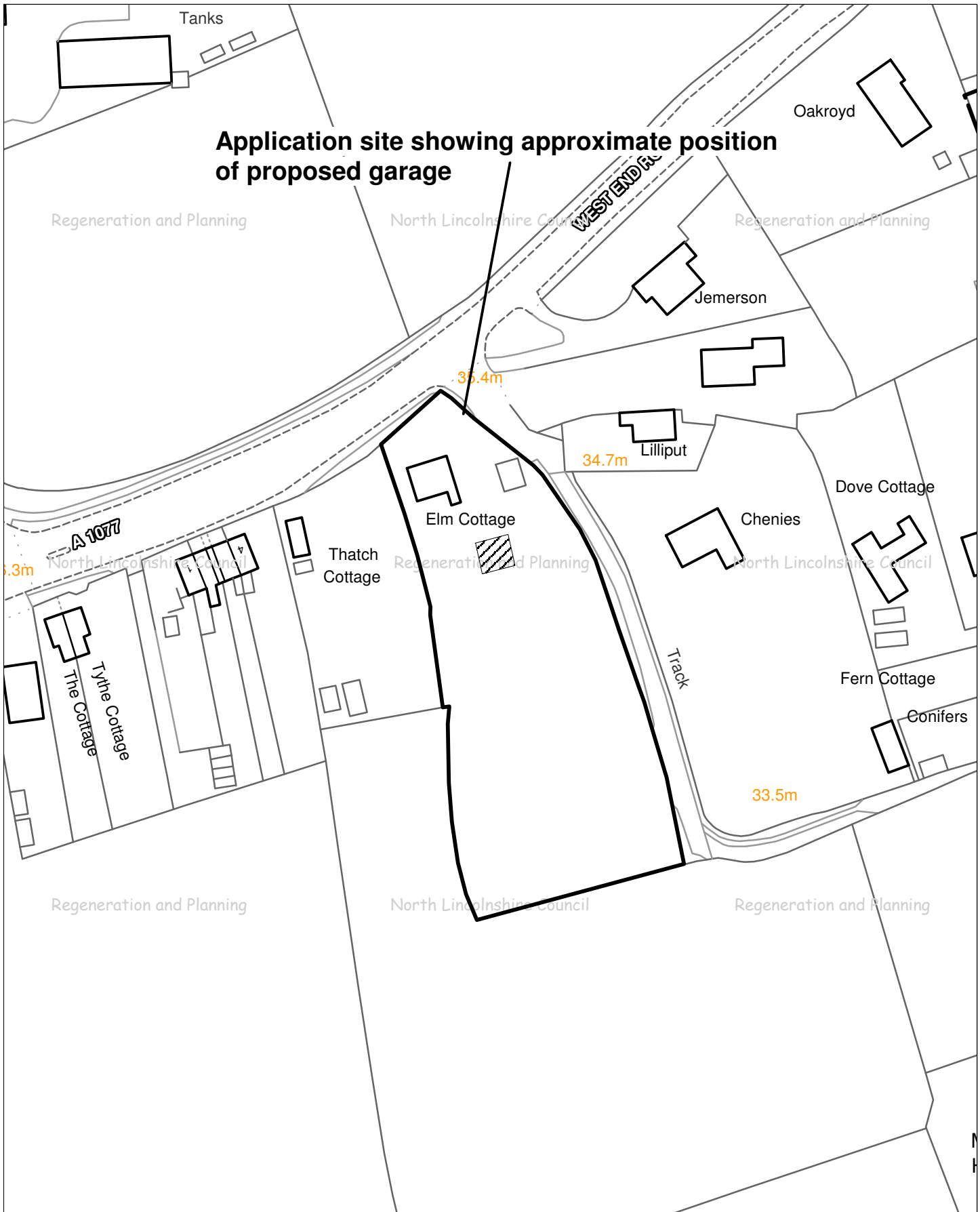
RECOMMENDATION Grant permission subject to the following conditions:

1.

The garage hereby permitted shall only be used for domestic purposes incidental to the enjoyment of Elm Cottage and its occupants and shall not at any time be used in connection with any commercial use.

Reason


In the interest of protecting the amenity of neighbouring properties, in accordance with policy DS1 of the North Lincolnshire Local Plan.




Application site showing approximate position of proposed garage

Drawing Title: 2011/0560

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Regeneration and Planning
 Head,
Marcus Walker BA (Hons), Dip URP, MA, MRTPI

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