

APPLICATION NO	PA/2011/1233
APPLICANT	V Greaves
DEVELOPMENT	Planning permission to erect a conservatory (resubmission of PA/2011/0964)
LOCATION	Highbury, Finkle Lane, Barton-upon-Humber
PARISH	BARTON-UPON-HUMBER
WARD	Barton-upon-Humber
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Barton-upon-Humber Town Council

POLICIES

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

North Lincolnshire Local Plan: Policy HE2 (Development in Conservation Areas) states that all development proposals in, or which affect the setting of, conservation areas should preserve or enhance the character and appearance of the area and its setting.

The following criteria will be applied in determining applications for development in conservation areas:

- (i) development should be of a standard of design which respects the appearance and character of the conservation area in terms of its bulk, height, mass, vertical and horizontal emphasis, proportions, layout, siting, landscaping and other matters of design such as roof-scape and architectural style and detailing; and
- (ii) development should harmonise with adjoining buildings, preserve or enhance the street scene and should not detract from important existing spaces and views; and
- (iii) building materials should be appropriate to the locality and context and sympathetic to those of existing and nearby buildings in terms of type, texture, colour and size. Walls, gates and fences should be of a type traditionally used in the locality; and
- (iv) the development must have a satisfactory means of access which does not detract from the character of the area, not generate excessive traffic and where appropriate should provide for adequate car parking in a way which is sympathetic to the conservation area. In instances where there is conflict between the highway requirements and the retention of the character of the area, the latter shall prevail; and
- (v) the development should retain important landscape and ecological features and where possible, include measures to enhance these features; and

- (vi) the development should retain important architectural and historical features such as traditional street furniture and paving and should include measures to enhance them where possible; and
- (vii) the development should avoid the loss of open areas, gaps in frontages, and natural and built features (such as trees, hedges, fences, walls and paving materials) if they are important to the character of the conservation area; and
- (viii) the development should not spoil or destroy attractive views and vistas into, within and out of the conservation area if they are important to the character of the area.

Where appropriate, Article 4 Directions will be made to remove permitted development rights where works otherwise classed as permitted development will potentially have an adverse impact on the special architectural or historical character or appearance of the area.

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.

Supplementary Planning Guidance 1 (SPG1) (Design Guidelines for Home Extensions) sets out the detailed criteria for assessing matters such as loss of daylight/sunlight and privacy. It states that the proposal should 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: No specific policies apply.

CONSULTATIONS

Highways: No objections or comments.

TOWN COUNCIL

Object on the grounds that the proposed conservatory will result in a loss of parking space at the property and that it will lead to loss of privacy and loss of light to the adjoining property.

PUBLICITY

Neighbouring properties have been notified, and site and press notices posted.

ASSESSMENT

The application site is a relatively modern semi-detached two-storey dwelling, located in a predominantly residential area within the Article 4 conservation area of Barton-upon-Humber. The property is a frontage dwelling, fronting almost directly onto the back of the footpath along Finkle Lane. The applicant property and the adjoining dwelling are staggered, with the applicant property being set approximately 1 metre further back from the road than the adjoining dwelling to the north. Neighbouring properties are predominantly two-storey terraced dwellings fronting onto the back of the footpath, with parking to the rear. Access to the applicant property is gained directly to the south of the dwelling and leads into a hard-paved parking area to the rear. The dwelling has a small area of amenity space directly to the rear, which is bounded by a wall of approximately 1.8 metres in height.

Planning permission is being sought to erect a small (1.9 metre deep x 3.4 metre wide x 3.3 metre high), single-storey, fully-glazed conservatory on the rear corner of the dwelling. Due to the size of the proposed conservatory planning permission would not normally be required. However the Article 4 Direction on this part of the Barton conservation area removes most normal permitted development rights and it is for this reason alone that planning permission is required. Due to health issues the applicant is unable to sit outside in direct sunlight and the intention of this application is to provide them with a light and airy space to enjoy the sunshine, whilst filtering out the sun's rays which are harmful to the skin.

There has been a previous application for a conservatory to the rear of the dwelling (PA/2011/0964), which was refused because it would not leave a useable area of private amenity space for current and future occupants of the dwelling. The applicant has subsequently reduced the size of the conservatory and its location on site, pushing the conservatory into the corner of the site and therefore leaving a small useable area of amenity space. The current application is a resubmission of this previous planning application.

The main issues in the determination of this application are whether the proposed conservatory would have a detrimental impact on the amenity of the adjoining dwelling to the north and whether the proposed conservatory would result in over-development of the site and an unacceptable loss of amenity space.

As previously stated, the proposed conservatory is modest in size and is fully glazed. Supplementary Planning Guidance 1 (SPG1) sets out the detailed criteria of how loss of light is assessed with regard to residential extensions. The conservatory complies with the 45 degree test set out in SPG1 and as such is of an appropriate size and depth and would not lead to unacceptable loss of light to the adjoining property. Additionally the fully-glazed design of the conservatory means that it will allow light to pass through it, which further reduces the impact on the adjoining property in terms of loss of light and overshadowing. It

should be noted that no objection has been received from the occupiers of the adjoining dwelling, either on the current application or on the original application that was refused. The conservatory is of a regular single-storey design and therefore the existing wall around the garden area will prevent overlooking of neighbouring properties. Therefore the proposed conservatory will not have an unacceptable impact upon the residential amenity of the adjoining dwelling to the north.

The conservatory is to be erected within the area of private amenity space directly to the rear of the dwelling. This area is separated from the parking and turning area serving the dwellings by the existing boundary wall. Therefore there will be no loss of parking space for the dwellings as a result of this proposal. The council's Highways department has been consulted on the application and has raised no concerns or objections to the conservatory.

As previously discussed, the original application on the site (PA/2011/0964) was refused due to the proposed conservatory taking up almost all of the private amenity space to the rear of the dwelling and leaving no useable space whatsoever. The current scheme has been amended to take into account the reasons for refusal and the concerns raised by the local planning authority. The conservatory has been slightly reduced in depth (100 millimetres) and has been repositioned from the centre of the rear elevation towards the northern corner. This proposal makes a more efficient use of the space available and leaves small useable areas of space to the south and east of the conservatory. The application site is located towards the centre of Barton and many properties in the area have very small rear gardens, particularly where they back onto parking courts. The council's conservation officer has been consulted on the application and has raised no concerns or objections. The proposed conservatory is not viewable from the street or from the public domain and the resulting development would not be out of keeping with the character and appearance of the area. The amendments to the original proposal satisfactorily address the original reason for refusal and the proposed development is considered to be acceptable.

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.

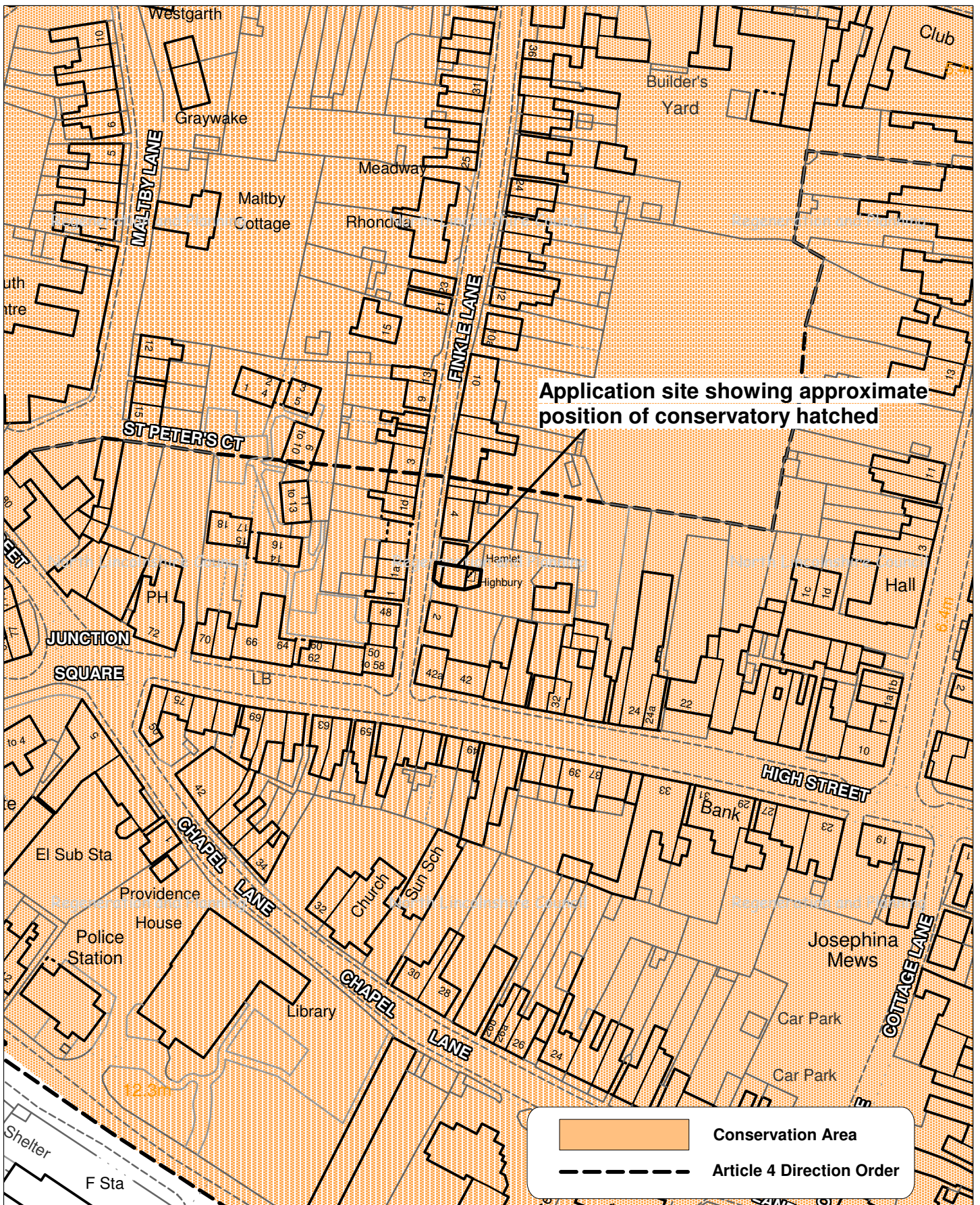
Reason

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: VG/11/1/1.

Reason

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



Application site showing approximate position of conservatory hatched

	Conservation Area
	Article 4 Direction Order

Drawing Title: 2011/1233

OS Grid Ref: TA03032211

Drawn by: KC

Scale: 1:1250

Date: 28/11/2011



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Regeneration and Planning

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