

APPLICATION NO PA/2012/0518

APPLICANT Mr & Mrs J Cook

DEVELOPMENT Planning permission to erect a detached dwelling with integral garage

LOCATION Land adjacent to Chapel House, North End, Goxhill

PARISH GOXHILL

WARD Ferry

CASE OFFICER Mark Simmonds

SUMMARY RECOMMENDATION Grant permission subject to conditions

REASONS FOR REFERENCE TO COMMITTEE Moratorium (Goxhill)

POLICIES

National Planning Policy Framework: Paragraph 19 – the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

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

North Lincolnshire Local Plan: Policy DS1 (General Requirements) provides general design guidance in relation to all new development.

North Lincolnshire Core Strategy: Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS19 (Flood Risk)

CONSULTATIONS

Highways: Advise conditions (4 to 6).

Environment Team (Tree Officer): Advises conditions to protect the trees on the site.

Environment Agency: The site is not within the Environment Agency's remit and they do not intend to provide any comments on the application.

Anglian Water Developer Services: North Ferry STW has available catchment capacity for foul drainage.

Request that the water strategy/flood risk assessment is conditioned in the planning approval.

Surface water disposal is not relevant to Anglian Water and the planning authority should seek the views of the Environment Agency.

PARISH COUNCIL

Ask that the recommendations from the tree officer are adhered to.

A fence should be erected to ensure privacy for the occupants of Chapel House.

No objection to the omission of the bay window.

PUBLICITY

The application has been advertised through letters sent to neighbouring properties.

Objections have been received raising the following issues:

- A neighbour at Chapel House considers re-siting the dwelling by 2 metres is a token gesture. They will still have a huge brick wall only 1 metre away from the majority of their garden, reducing the garden's amenity drastically for most of the day during the summer months. It should have been re-sited 12 metres back.
- A neighbour at Kathallan believes that the amended scheme will now impose upon the views from their garden and on their privacy in their garden – the rear windows of the house will have clear views into the most secluded part of their garden. Right to the rear of the plot would be the best place for the dwelling.
- objects to the re-instatement of features deleted from the previous scheme which finally gained approval
- development considered to be 'garden-grabbing'
- effects on protected species, ie hedgehogs and starlings, would like to see wildlife-friendly features incorporated
- concern about damage to an historical boundary wall which has no foundations and is within 1 metre of the proposed dwelling
- view from rear picture window onto objector's property would be bisected by the new building
- loss of amenity
- loss of light, overshadowing
- loss of privacy from window in day room

- excessively large house which shares no features of scale or design with any of its neighbours
- conflicts with policies DS1, H5 and PPS3
- loss of green space
- bay window would look straight into Chapel House.

ASSESSMENT

This application seeks permission for a detached house on land adjacent to Chapel House, North End, Goxhill.

The main issues to consider in the determination of this application are neighbour amenity in terms of outlook, privacy and light; character and appearance of the area; drainage and flood risk; and trees.

This site has had several previous planning applications, the key ones being:

PA/2007/0400	Two-storey house – approved.
PA/2008/1684	Two-storey house – refused as contrary to policies H5, H8 and DS1.
PA/2009/0661	Two-storey house – approved (elements found to be unacceptable on PA/2008/1684 removed and roofline amended).

The current application initially re-introduced some of the elements of the refused PA/2008/1684, however amended plans take it back to close to the design of the previously approved application and the house is now set back by 2 metres.

PA/2009/0661 expired on 14 October 2012.

The applicants have indicated that the permission which exists for a near identical scheme 2 metres further forward will be implemented and could be completed at any time. This is a significant material factor and should be borne in mind when the current application is determined.

Following a site visit to discuss the case with the neighbour at Chapel House, and negotiations to amend the scheme as now proposed, it is felt by officers that the current scheme is a material improvement upon the previous scheme in terms of the neighbour's amenity and permission should be granted.

The scheme as submitted included bay windows and a canopy. These have been deleted following objections and the dwelling has been sited 2 metres further back on the latest iteration of the plans. The objectors feel that the dwelling should be right at the back of the plot but officers feel that that would be out of character with the street layout.

The site is in Goxhill where the moratorium is still in place. Responses from the council's engineer, Anglian Water and the Environment Agency raise no objections subject to conditions and the site is able to be developed without causing any flooding or drainage capacity issues. The council's engineer confirms that there are no records of flooding at this site in 2007 or later, but recommends flood resilience measures be incorporated.

The dwelling as proposed is, if anything, likely to have less of an impact upon the neighbour at Chapel House than the implemented scheme that could be built without any further approval from the local planning authority.

The moving back of the property by 2 metres would not materially impact upon any other neighbours. There are objections on the issue of impeding views but this is not a valid planning argument as there are mature trees on the site but there is no right in planning law to maintain a private view.

Any overlooking of neighbouring properties would be at an oblique angle and would not harm living conditions to such an extent that permission should not be granted.

The proposed dwelling would be acceptable in the street scene and there is no reason to withhold planning permission.

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: 100121, 100122, 100104, 100113.

Reason

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

3.
No development shall take place until details of a fence/wall to be built along the boundaries of the site have been submitted to and agreed in writing by the local planning authority. The agreed fence/wall shall be erected before the dwelling is occupied and once built it shall be retained.

Reason

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan.

4.
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.

5.

Notwithstanding the provisions 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), nothing shall at any time 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.

6.

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.

7.

The surface water strategy and flood risk assessment submitted with the application shall be implemented in their entirety before the dwelling is occupied.

Reason

To protect and mitigate against the risk of flooding in accordance with policy CS19 of the North Lincolnshire Core Strategy.

8.

No development shall take place until a tree protection plan and arboricultural method statement, including timings for the proposed measures, have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved in line with the agreed timings.

Reason

To show the tree and landscape protection measures and to define the methodology for implementing development which has the potential to result in the loss of or damage to retained trees.

9.

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.

10.

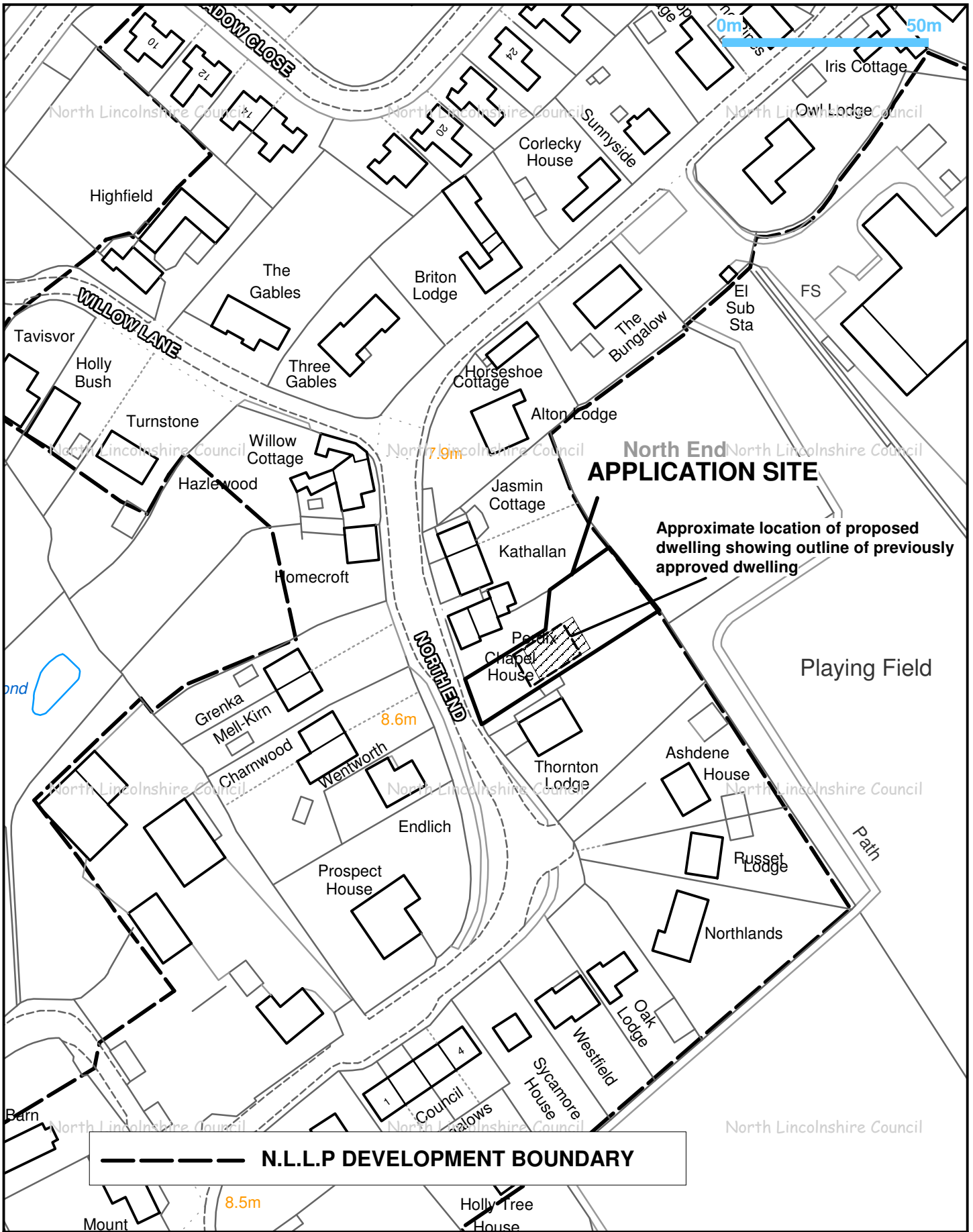
No development shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

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.

Reasons for approval

The council, as local planning authority, has had regard to the relevant policies of the development plan as set out below and considers that, subject to compliance with the conditions attached to the permission, the proposed development would be in accordance with the development plan, would not materially harm the character of the area nor the living conditions of neighbouring occupiers, and would be acceptable in all other planning considerations. The council has taken into account all other matters, none of which outweigh the considerations that have led to its decision. The policies taken into consideration in the determination of this application are paragraph 28 of the National Planning Policy Framework, policies CS1, CS2, CS3 and CS19 of the North Lincolnshire Core Strategy and policies DS1, DS16 and H8 of the North Lincolnshire Local Plan.



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