

<b>APPLICATION NO</b>	<b>PA/2012/1068</b>
<b>APPLICANT</b>	Mr J Douglas
<b>DEVELOPMENT</b>	Planning permission for a minor material amendment for the re-siting of a conservatory over the hot tub and alterations to windows and doors in the rear elevation
<b>LOCATION</b>	60 Wiltshire Avenue, Burton-upon-Stather
<b>PARISH</b>	<b>BURTON-UPON-STATHER</b>
<b>WARD</b>	Burton Stather and Winterton
<b>CASE OFFICER</b>	Tanya Eggett
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Councillor Marper – significant public interest and consistency of planning decision)

## **POLICIES**

**National Planning Policy Framework:** No specific paragraphs apply.

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

**North Lincolnshire Local Plan:** SPG1 provides detailed guidance for residential development.

Policy DS5 (Residential Extensions) provides general design guidance for all new residential development.

Policy DS1 (General Requirements) provides general design guidance for all new development.

Policy DS14 (Drainage) requires all new development to have satisfactory drainage.

**North Lincolnshire Core Strategy:** No specific policies apply.

## **CONSULTATIONS**

**Highways:** Views awaited.

## **PARISH COUNCIL**

The parish council refers to the full planning permission from North Lincolnshire Council dated 25 July 2012, item 3 and would request that the applicant ensures surface water run-off from all roof areas and hard surfaces shall be positively drained to the sewer in accordance with details submitted to and approved in writing by the local planning authority

before the accommodation is brought into use. The parish council requests that any decision made by North Lincolnshire Council regarding the planning application should not have an adverse impact on the amenity of neighbours or affect the living conditions of neighbouring occupiers. LP DS1, DS5 and SPG1.

## **PUBLICITY**

Neighbouring properties have been notified. To date no responses have been received.

## **ASSESSMENT**

Members may recall that planning permission was granted at Planning Committee for an extension to form a lounge and garage, and re-site a conservatory to house a hot tub, on 25 July 2012 (PA/2012/0660 – see attached report). Following this approval, the applicant has not built the development in accordance with the approved plans. He has built the conservatory over the hot tub 0.4 metre from the southern boundary of the site and altered the window and door arrangements in the rear elevation.

**The main issue associated with this case is whether the proposed amendments are acceptable in terms of their impact on neighbours, on the amenity of the locality and on the character of the dwelling.**

The conservatory over the hot tub is closer to the neighbour on the southern boundary than approved under PA/2012/0660. There is a 2 metre high close-boarded fence along the southern and eastern boundary which screens much of conservatory from view. The conservatory is constructed from UPVC with a translucent roof and therefore no loss of light will be caused to neighbours due to its new position on the site. This aspect of the proposal accords with policies DS1 and DS5 of the North Lincolnshire Local Plan.

The new window and door arrangement in the rear elevation comprises a different style and wider patio door to the lounge to that which was approved under PA/2012/0660 and a window, and a door with a window above it in one unit to the garage rather than a separate window and door as approved under PA/2012//0660. These alterations are not visible in the street scene and are not particularly visible to neighbours due to the close-boarded fence located on the rear boundary of the site. The amendment will not harm the amenity of neighbours and therefore the proposal accords with policies DS1 and DS5 of the North Lincolnshire Local Plan.

The issue raised by the parish council in relation to surface water drainage is noted. This was a condition of PA/2012/0660 which will need to be complied with. The council is currently pursuing the applicant to submit these details for approval.

**RECOMMENDATION      Grant permission subject to the following conditions:**

1.

The development shall be carried out in accordance with the following plans: C0106/A1/102 Rev B. In all other aspects the development shall be constructed in accordance with planning permission PA/2012/0660 dated 25 July 2012.

Reason

For the avoidance of doubt and to ensure the development is carried out in accordance with the approved details.

### **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 DS1, DS5 and SPG1 of the North Lincolnshire Local Plan.

**APPLICATION NO** PA/2012/0660

**APPLICANT** Mr J Douglas

**DEVELOPMENT** Planning permission to erect an extension to form a lounge and garage, and re-site a conservatory to house a hot tub (resubmission of PA/2011/0436)

**LOCATION** 60 Wiltshire Avenue, Burton-upon-Stather

**PARISH** BURTON-UPON-STATHER

**WARD** Burton Stather and Winterton

**CASE OFFICER** Tanya Eggett

**SUMMARY RECOMMENDATION** Grant permission subject to conditions

**REASONS FOR REFERENCE TO COMMITTEE** Member 'call in' (Councillor Marper – it differs from the original application, significant public interest, the parish council objected to the original application, and concerns about drainage)

## **POLICIES**

**National Planning Policy Framework:** No specific policies apply.

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

**North Lincolnshire Local Plan:** SPG1 provides detailed design guidance for residential development.

Policy DS5 provides general design guidance for all new residential development.

Policy DS1 provides general design guidance for all new development.

Policy DS14 (Drainage). All new development should have satisfactory drainage

**North Lincolnshire Core Strategy:** No specific policies apply.

## **CONSULTATIONS**

**Highways:** Views awaited.

## **PARISH COUNCIL**

Comments. Concern was raised about the type of drain suggested in the application. The parish council requests the applicant is asked to clarify this with the relevant drainage authority and to complete the work in accordance with their recommendations. The parish council has received two letters of objection from local residents with regard to the application and requests members of the Planning Committee complete a site visit.

## **PUBLICITY**

Neighbouring properties have been notified. Two letters have been received raising the following issues:

- water draining from conservatory into adjoining property
- soakaway not acceptable
- satisfactory drainage should be achieved under policy DS14 of the North Lincolnshire Local Plan
- conservatory not built in position of approved plans
- garage wall re-used for conservatory
- noise and disturbance from hot tub
- extension too large for plot
- extension overbearing
- loss of light
- boundary fence does not screen the development
- additional fumes, smell and smoke from chimney
- development contrary to policies DS1 and DS5 of the North Lincolnshire Local Plan
- trees in adjacent property

## **ASSESSMENT**

The dwelling is a detached bungalow that is slightly elevated from the road. The site is located within the development boundary of Burton-upon-Stather within a residential estate. The proposal is for an extension to form a lounge and garage to the rear and to re-site a conservatory to house a hot tub. A previous application for this proposal was approved at Planning Committee in May 2011 (PA/2011/0436). The applicant has already carried out a significant amount of work on site, but has carried out some slightly different building work to the plans approved under PA/2011/0436. These differences include altering the window and door arrangement on the rear elevation, retention of part of the wall from the former garage onto the hot tub and the retention of a 0.75 metre high wall from the hot tub to create a partially enclosed barbeque area.

**The main issues associated with this case are whether the extensions are acceptable on the amenity of neighbours and the amenity of the locality.**

The site is located within the development boundary of Burton-upon-Stather where, in principle, extensions are considered to be acceptable. In terms of policies DS5 and SPG1, in relation to the properties located to the north and south of the site, the 45 degree rule is not infringed by the single-storey rear extension. The properties located to the rear of the site are screened by a 2 metre high close-boarded fence. The rear extension is located

over 7 metres from the rear boundary and is a maximum height of 4.5 metres. Due to the distance from the boundary and the height and design of the extension, it is considered that there would be no demonstrable loss of light to the properties located to the rear of the site. The fence located on the boundary does screen most of the rear extension and hot tub from the properties to the rear of the application site. Only part of the glazed roof of the hot tub and part of the gable roof of the rear extension will be visible from the objectors' properties at the rear of the site. As a result, the extensions are not considered to be overbearing on the objectors' properties.

The alterations proposed since PA/2011/0436 was granted have no impact on the amenity of adjoining neighbours. The alterations to the window and door arrangement are in the rear elevation and are not particularly visible to adjoining neighbours and are not visible in the street scene. There is no evidence to suggest that the conservatory has been installed on the site in a different position to the approved plans. The proposal is therefore considered acceptable in terms of policies DS1, DS5 and SPG1 of the North Lincolnshire Local Plan.

The objectors have objected to the noise of the hot tub. The hot tub is located inside the conservatory. A planning condition can be used to ensure that the doors and windows of the conservatory are closed when the hot tub is switched on and is in use. This should reduce any noise and disturbance emitted from the conservatory.

The objectors have also objected to the chimney. This chimney slightly exceeds 1 metre in height and therefore requires planning permission. The objectors consider that the chimney causes fumes, smoke and smell to be emitted. Environmental Health has investigated this issue and no action was taken under Environmental Health regulations. The proposed chimney, in terms of design and location, is considered to be acceptable in planning terms.

It is accepted that there are trees in the adjoining properties. These trees are not protected by a tree preservation order and the site is not located in a conservation area. There is no evidence to suggest that the development has harmed these trees.

Concerns in relation to drainage are noted. The site has been inspected by Building Control who have confirmed that the existing drainage will remain in its current position and be lintelled over. Surface water will now be discharged into the main drain rather than to a soakaway which was originally proposed under PA/2011/0436. Concerns relating to water running off the conservatory are noted. Planning conditions can be used to ensure no surface water discharges into the adjoining neighbour's property. The drainage is therefore considered to be acceptable and complies with policy DS14 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.

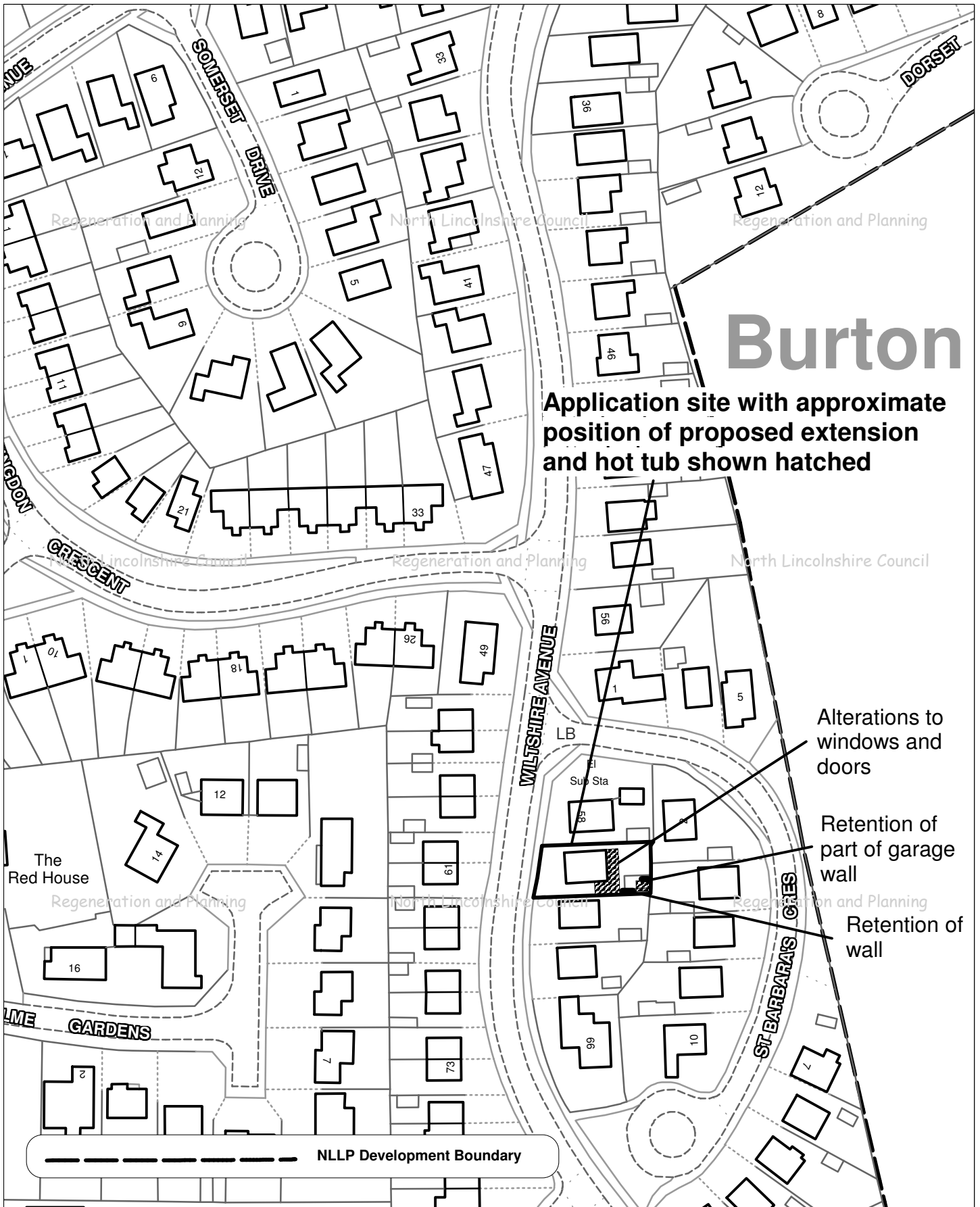
2.  
The development hereby permitted shall be carried out in accordance with the following approved plans: PA/2012/0660/01, PA/2012/0660/02 and PA/2012/0660/03.

## Reason

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

## **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 DS1, DS5, DS14 and SPG1 of the North Lincolnshire Local Plan.



# Burton

**Application site with approximate position of proposed extension and hot tub shown hatched**

- Alterations to windows and doors
- Retention of part of garage wall
- Retention of wall

Drawing Title: 2012/0660

OS Grid Ref: SE87341764

Drawn by: SJB

Scale: 1:1250

Date: 03/07/2012



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NORTH LINCOLNSHIRE COUNCIL 0100023560 2012



**Regeneration and Planning**

Head,

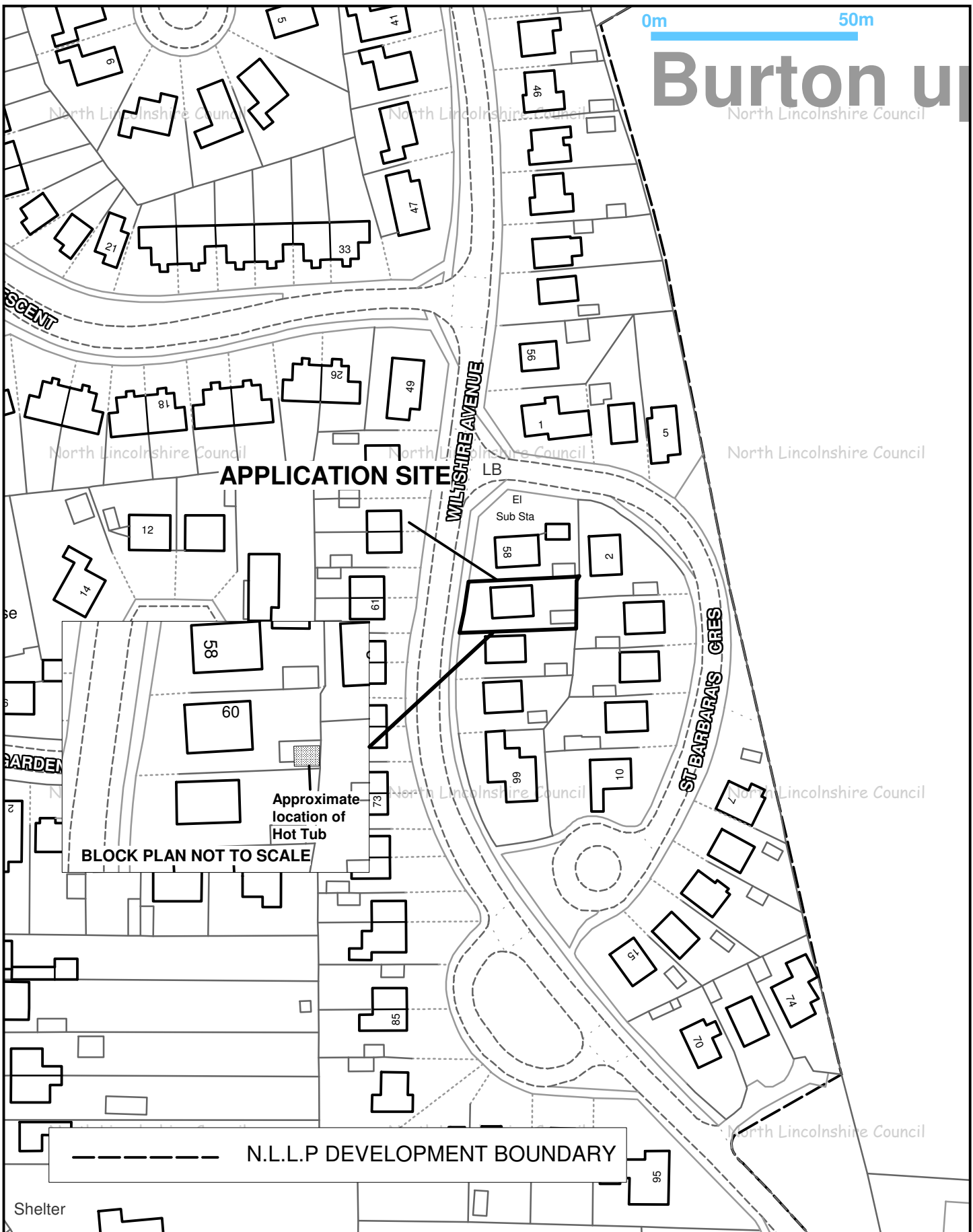
Marcus Walker BA (Hons), Dip URP, MA, MRTPI



0m 50m

# Burton up

North Lincolnshire Council



**APPLICATION SITE**

Approximate location of Hot Tub

BLOCK PLAN NOT TO SCALE

N.I.L.P. DEVELOPMENT BOUNDARY

Title: PA/2012/1068

Drawn by: Sue Barden

Date: 27/09/2012

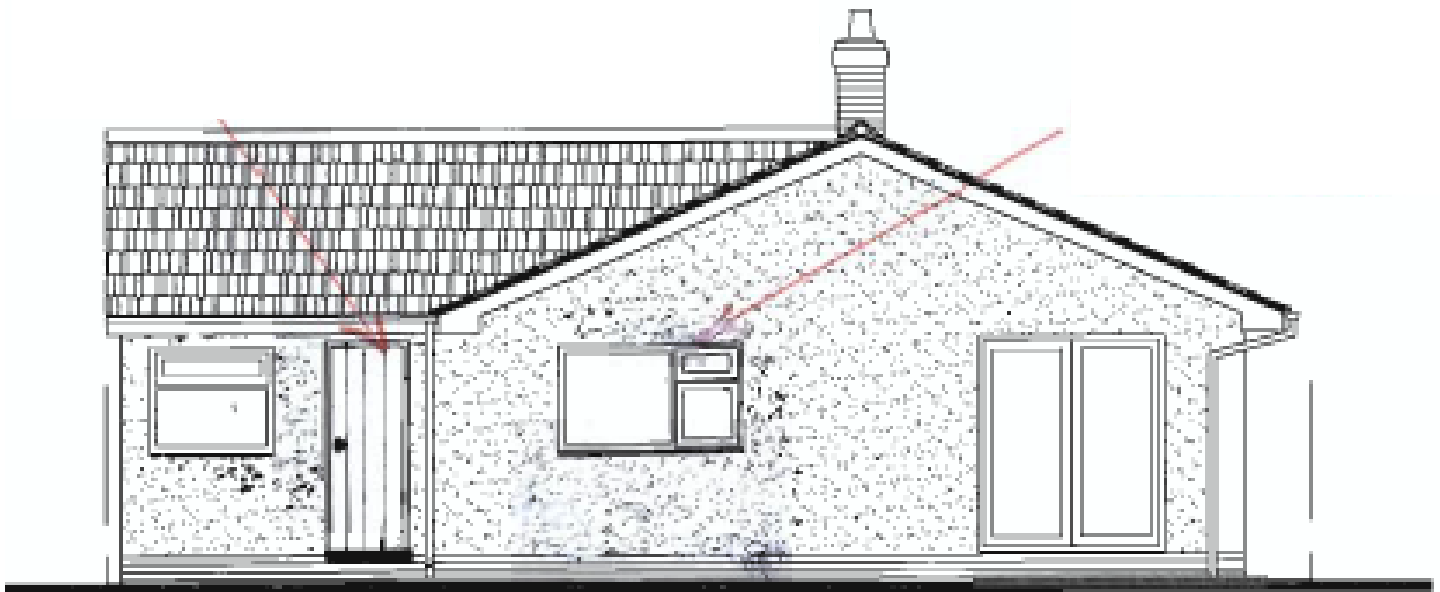
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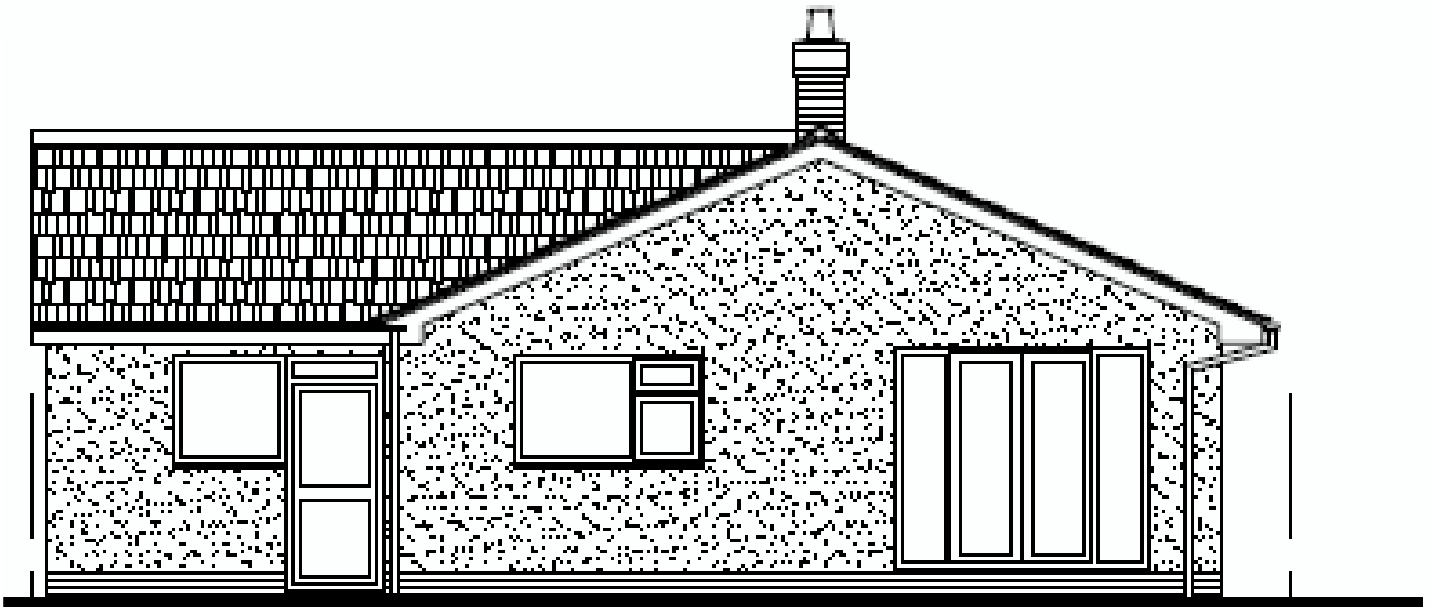
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**Director of Places**  
**Peter Williams**  
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East Elevation as approved under PA/2012/0660



East Elevation as implemented on site

PA/2012/1068  
(Not to Scale)