

<b>APPLICATION NO</b>	<b>PA/2014/0498</b>
<b>APPLICANT</b>	Mr J Shirley
<b>DEVELOPMENT</b>	Planning permission to carry out alterations and extensions
<b>LOCATION</b>	5 Blow Row, Epworth
<b>PARISH</b>	<b>EPWORTH</b>
<b>WARD</b>	Axholme Central
<b>CASE OFFICER</b>	Nicholas Lawrence
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Councillor Redfern – significant public interest)

## **POLICIES**

**North Lincolnshire Local Plan:** Policy H8 (Housing Design and Mix) seeks to ensure that residential development takes account of the surrounding environment and complements the area whilst not precluding innovative design.

Policy DS1 (General Requirements) sets out criteria against which all proposals in the development and use of land will be considered and includes reference to quality of design, amenity, conservation, resources and utilities.

**North Lincolnshire Core Strategy:** Policy CS1 (Spatial Strategy for North Lincolnshire) provides clear priorities for the distribution and location of development.

Policy CS2 (Delivering More Sustainable Development) sets out how policy CS1 will be applied and notes that design should be of a high standard.

Policy CS3 (Development Limits) looks to restrict development within defined settlement limits and will restrict development outside these boundaries to development that is essential to the functioning of the countryside.

Policy CS5 (Delivering Quality Design in North Lincolnshire) sets out the key design principles for all new development with the aim of ensuring that development supports the creation of a high quality built environment that is attractive to residents and visitors.

**National Planning Policy Framework (the Framework):** Core Planning Principles; Section 6 – Delivering a Wider Choice of Housing; Section 7 – Requiring Good Design.

**National Planning Practice Guidance (PPG):** Design

## **CONSULTATIONS**

**Highways:** Advises that any permission issued should include standard highway conditions HC6, HC11 and HC13.

## **TOWN COUNCIL**

Objects to the application on the grounds that the development is out of keeping with the ambience of the surrounding area and Epworth in general.

## **PUBLICITY**

Neighbouring properties have been notified and 10 representations have been received, four making observations on the application, including two from the occupiers of the application site stating that such visionary developments can increase house prices.

Five representations object to the proposal on the following grounds:

- not in keeping with the character of the area
- too modern and awful design
- dominant and overbearing
- out of character with the traditional town design
- will cause overlooking.

One representation supports the application noting that the design would protect the amenity of property.

## **ASSESSMENT**

### **Application site**

The application site comprises that property known as 5 Blow Road, Epworth and is a dormer-style bungalow dating from the latter half of the 20<sup>th</sup> century. The subject property faces the local road network and, unlike the neighbouring properties, the garden to number 5 is to the side (ie east) and abuts the gardens of numbers 2, 3, and 4 Cherry Orchard, together with those properties to the south of the application site fronting onto Blow Road (ie Red, The Ridge, Milena, Jacaranda, The Shire, Moreland House and Heseyside).

The character of the area is dominated by residential development of varying architectural antecedents, albeit that these properties adopt a traditional form.

In terms of designations, the application site is within the defined settlement limit of Epworth as set out on Inset Plan 18 of the North Lincolnshire Local Plan.

### **Proposed development**

In brief, planning permission is sought for the alterations to 5 Blow Row, an existing dormer-style bungalow, to create a two-storey dwelling that adopts a contemporary approach to living space.

The proposed alterations have a number of linked elements that entail raising the existing walls of the bungalow to another storey in height and surmounting the walls with a series of flat roofs, together with the creation of a single-storey link between the proposed dining area and the kitchen, which is currently the garage. Aside from these elements the scheme proposes a free-standing sweeping flat-roofed entrance that will also act as a car porch. This aspect of the development has a clear reference to Berthold Lubetkin's Penguin Pool at London Zoo.

With regard to finishes, it is proposed that the building will be white rendered, the windows being fashioned in grey PVCu. The roof of the dwelling is to be of a ply membrane, the converted garage will have a zinc standing seamed roof, and the car porch will have a sedum covering.

## **Main issues**

**The main issues for the decision-taker to consider in the determination of this application are: firstly, would the proposal in its detailed form be harmful to the character and appearance of the area; and secondly, the impact upon residential amenity. Both issues have regard to the provisions of the development plan and other material considerations.**

## **Planning policy framework and policy background**

### *Planning policy framework and materiality*

Under the provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, as amended, the development plan for the purposes of this application comprises the North Lincolnshire Local Plan that was adopted on 30 May 2003 (the local plan) and the North Lincolnshire Local Development Framework Core Strategy dating from June 2011 (the core strategy).

The National Planning Policy Framework (the framework) was issued on 27 March 2012 and is a material consideration in planning decisions (paragraph 3). On 6 March 2014 the 'beta' version of the National Planning Practice Guidance (PPG) went 'live' and, as with the framework, it constitutes a material consideration in all planning decisions.

### *Policy and material consideration background*

Policy DS1 of the local plan is a criterion-based policy addressing environmental and other standards, which every planning application is expected to meet, and notes that poorly designed development will be refused. Under the heading of *Quality of Design*, DS1 requires that:

- (i) *the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area; and*
- (ii) *the design and layout should respect, and where possible retain and/or enhance, the existing landform of the site.*

DS1 also considers the matter of amenity and requires that there should be no unacceptable loss of amenity to neighbouring land uses.

With regard to the specific matter of housing, local plan policy H8 (Housing Design and Housing Mix) will permit new residential development provided that a number of criteria are met, which include:

- (i) *respects and reflects the form, scale, massing, design and detailing, materials, and nature of the local environment;*
- (ii) *incorporates a high standard of layout that maintains, and where possible improves and enhances, the character of the area; and*
- (vi) *creates an appropriate mix of dwelling size and type.*

Policy CS5 considers *Delivering Quality Design in North Lincolnshire* and references the need for new development to be well designed and *appropriate for their context*. The policy explanatory text cites:

*The council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.*

The core planning principles within the framework are set to underpin the decision-making process and the identified principles have to be taken into account by the decision-taker. These principles include:

- *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.*

On the matter of design, the framework sees good design as being indivisible from good planning and aside from operating as a key aspect of sustainable development it should contribute positively to making places better for people. Whilst not looking to act as prescriptive mechanism within the development management process in terms of design form, the framework at paragraph 64 notes:

*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*

The PPG in considering design reiterates the above quoted aspects of the framework although the PPG directly cites good quality design as an integral part of sustainable development. In terms of amenity this is only referenced tangentially in that buildings' form and function, coupled to their relationship to each other, can have an impact upon wellbeing.

## **Assessment of main issues**

### *Character and appearance of the area*

The character of any area is more than the visual flow of the type of buildings and their associated materials; it also embraces the juxtapositions of buildings, their setting and the spaces they create. Any development, ranging from adaptation through to new build of whatever scale, should not be considered in isolation and must be informed by the wider

context. This approach should have regard not only to buildings in the vicinity of the development proposal but also the townscape and landscape of the general locality.

The framework requires within the body of its text and within the core planning principles an understanding and evaluation of an area's defining characteristics and development should take account of the character of different areas.

The purpose of design is to consider its context and respond accordingly. This is not to imply that one of the aims of design should necessarily be to 'fit in'; at its worst, this can be little more than an excuse for mediocrity. Difference and variety can be virtues in new proposals as much as sameness and conformity; and of course different contexts may be more, or less, uniform in their nature. The design of any building or group of buildings should look to establish its own character and add another layer of interest to the area within which the proposal will sit.

At the national level the framework, under the section entitled 'Requiring good design', sees good design as a key aspect of sustainable development and in turn is viewed as being indivisible from good planning. In terms of considering applications the framework notes that decisions of councils should aim to ensure that developments:

- are visually attractive as a result of good architecture and appropriate landscaping; and
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

The framework advises councils that they should not stifle innovation, originality or initiative by adopting a prescriptive approach by imposing architectural styles or particular tastes. These positions are also repeated within the PPG.

How places are designed, planned and built affects everyone. Every development has the potential to transform lives and the environment, when it goes beyond achieving practical and commercial aims.

In this case the principle of a contemporary dwelling on this site is accepted by the council and is a position advocated at the national level. It is also accepted by the council that residential environments evolve over time and embrace changing architectural styles and themes.

The vision of proposed development as described by the applicant within the design and access statement is to *create a striking modern family home* that also looks to divert the *building emphasis from the neighbouring property*. Clearly, this indicates that the dwelling is to be seen in isolation from its context rather than integrating with it. As noted above design has regard to context and should be seen as a mechanism to change existing situations into preferred ones.

The proposed dwelling in itself is considered a building worthy of support in principle. However, it is considered that the form, mass and appearance of the building does not have regard to its context and will appear as a discordant and dystopian element within the immediate area. It is therefore considered that the proposed development does not create a preferred situation and is therefore contrary to policies DS1 and H8 of the local plan, policy CS5 of the Core Strategy and national guidance.

### *Residential amenity*

It is accepted that privacy and the protection of general amenity constitutes a material consideration in determining development proposals and is an important design objective in ensuring that residents of properties bounding any development site and those occupying new dwellings feel at ease within and outside their homes. This is reflected within local plan policy DS1 and the core planning principles of the framework.

The footprint of the proposed dwelling, save for the proposed linkage between the dining area and kitchen and the sloping canopy, follows that of the existing dwelling. The principal change is the creation of a second floor, which alters not only the form of the dwelling but its amenity relationship to the surrounding dwellings. In terms of fenestration the proposed eastern elevation at first floor level is punctured by two openings to service two bathrooms. This pattern is repeated on the northern façade and it is considered such an arrangement, as with the east elevation, will not affect any aspect of residential amenity.

The concern in terms of residential amenity resides with the windows to the bedrooms at first floor level that face onto the garden area (i.e. southern aspect). Unlike the surrounding dwellings off Blow Road and Cherry Orchard that have oblique views of neighbouring gardens, the height and disposition of the bedroom windows will have a more open view into the amenity areas of neighbouring dwellings. It is therefore considered that this aspect of the proposed development will adversely affect the amenity afforded the occupiers of neighbouring properties. As such the proposal is contrary to policy DS1 of the Local Plan and national guidance.

### **Concluding comments**

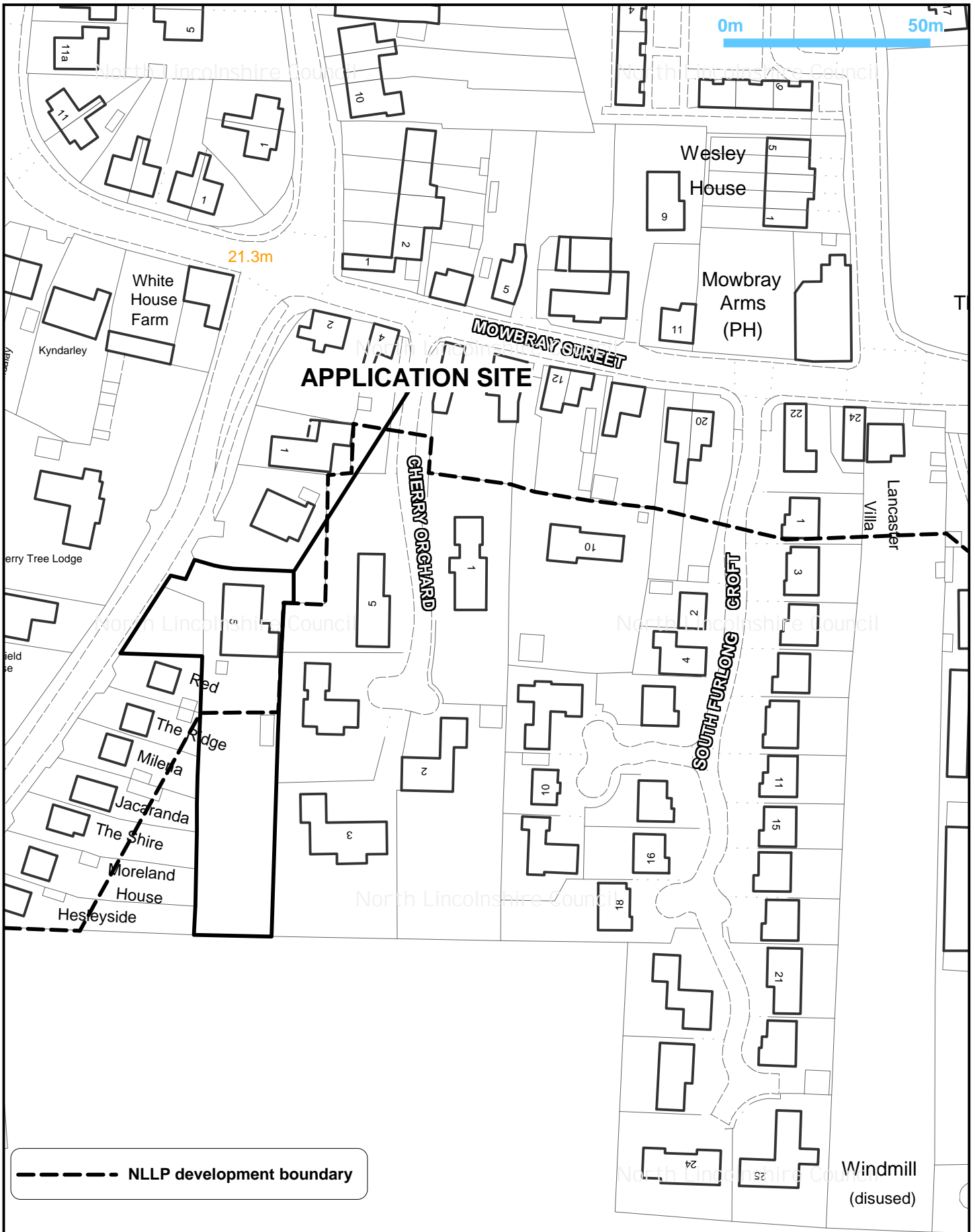
Having regard to the above commentary it is considered that the form, mass and design of the proposed dwelling will harm the character of the area and the amenity afforded the occupiers of neighbouring properties and is therefore contrary to the above quoted policies of the development plan and material considerations. It is recommended that planning permission is refused.

### **RECOMMENDATION      Refuse planning permission for the following reason:**

The proposed development, by reason of its design, mass and scale, fails to have regard to its context and will also adversely affect the residential amenity afforded the occupiers of neighbouring properties and consequently it is contrary to policies DS1 and H8 of the North Lincolnshire Local Plan 2003, policies CS3 and CS5 of the North Lincolnshire Local Development Framework Core Strategy 2011, and guidance set within the National Planning Policy Framework and National Planning Practice Guidance.

### **Informative**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



Title: PA/2014/0498

Drawn by: Sue Barden

Date: 01/10/2014

Scale: 1:1250



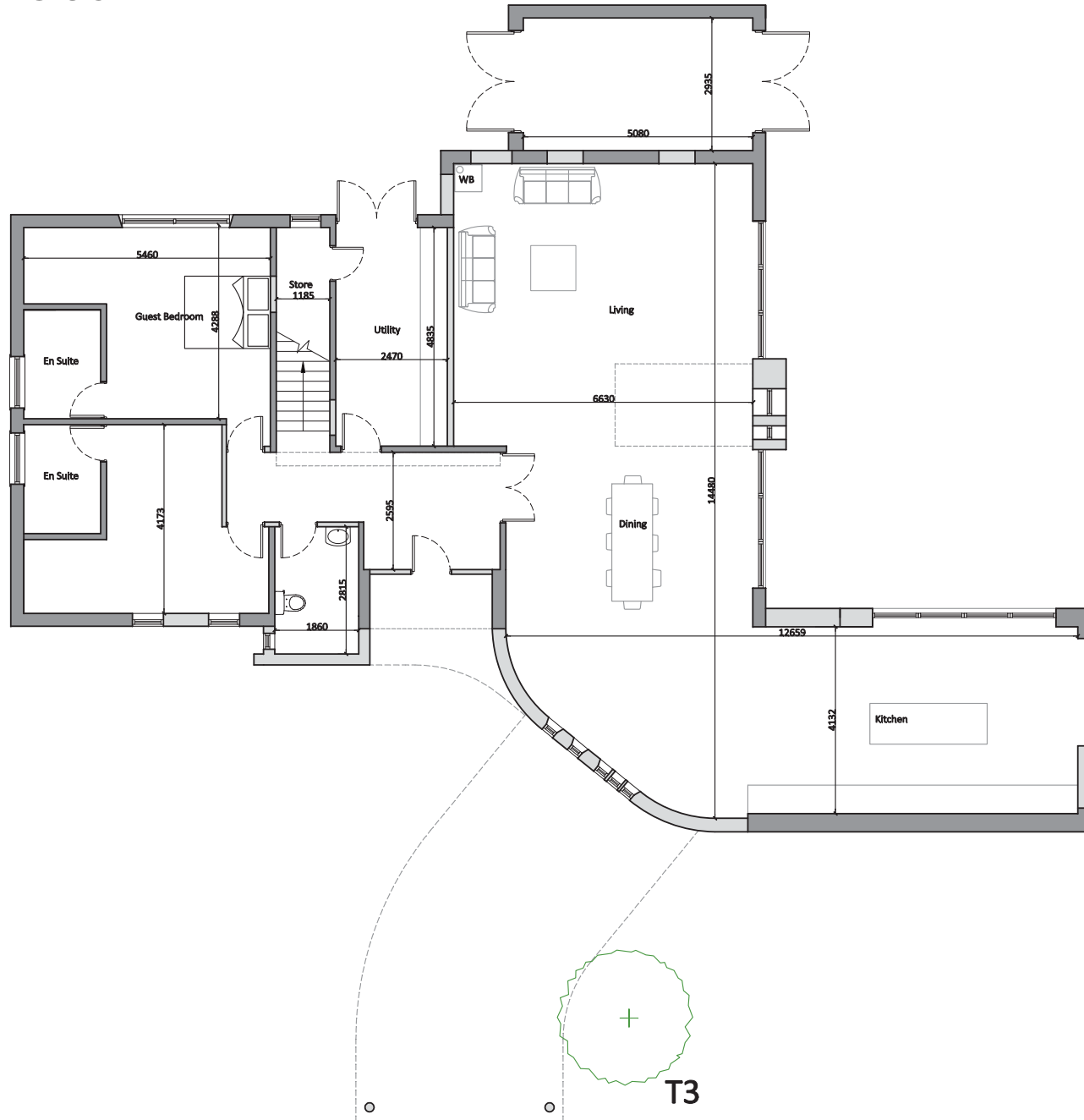
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Director of Places  
Peter Williams  
BSc, DMS, CEng, MEI, MCMI, AMIMechE

# PA/2014/0498 - GROUND FLOOR PLAN

## NOT TO SCALE



### NOTES

A3

Builders to check and clarify all levels, dimensions, drainage, construction and specification prior to any works on site and to bring to the clients attention any variations or deviations for written confirmation before being carried out on site

Do not scale from these drawings- If in doubt always ask first

Report any discrepancies and omissions to IBA

Drawings are prepared for the purposes of obtaining Town & Country Planning Permission and Building regulation Approval only

All materials shall be fixed, applied or mixed in accordance with all the manufacturer's instructions, recommendations & specifications. All materials shall be fit for the purposes that they are to be used for

The contractor shall take into account everything necessary for the proper execution of the works and to the satisfaction of the Local Authority Building Surveyor, whether or not indicated on the drawing or in the specification

Rev	Date	Notes
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# PLANNING

CLIENT Mr & Mrs Shirley

Project 5 Blow Row

DWG Title Proposed Ground Floor Plan

Scale 1:100@A3 Date 02/05/2014

Job No	Dwg No	Rev
135	20-101	-

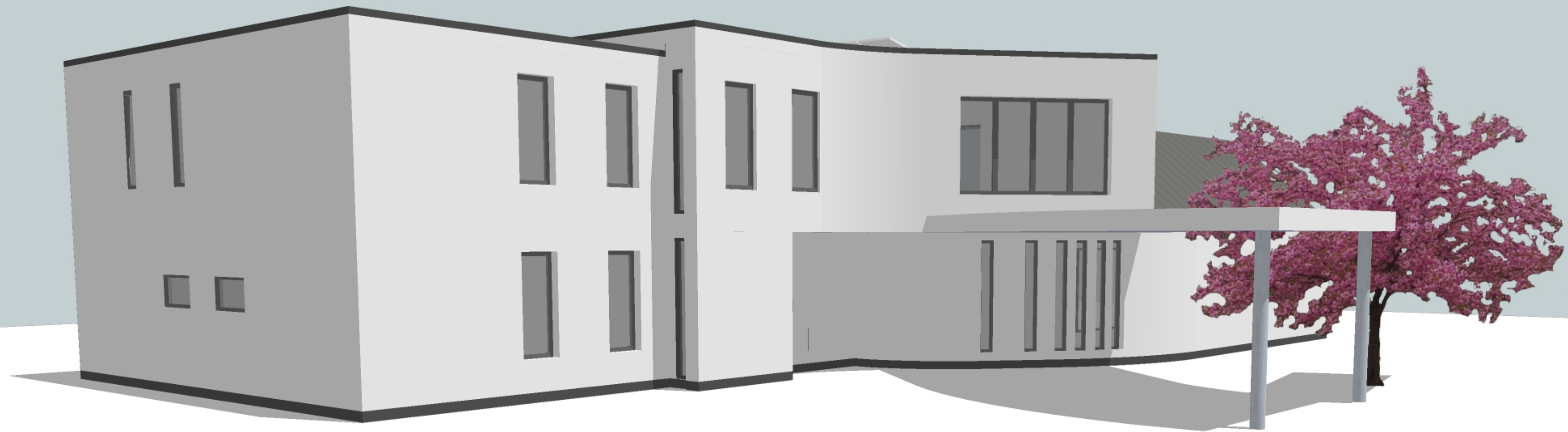
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**PA/2014/0498 - VISUALISATION  
NOT TO SCALE**

