

<b>APPLICATION NO</b>	<b>PA/2014/0673</b>
<b>APPLICANT</b>	Mr R Young
<b>DEVELOPMENT</b>	Planning permission to construct a new attached double garage with two bedrooms at first floor, convert an existing integral garage into a study, and retain raised decking to the rear (resubmission of 2014/0315)
<b>LOCATION</b>	1 Pavilion Gardens, Scunthorpe
<b>PARISH</b>	<b>SCUNTHORPE</b>
<b>WARD</b>	Kingsway and Lincoln Gardens
<b>CASE OFFICER</b>	Craig Fotheringham
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Councillor Gosling – significant public interest)

## **POLICIES**

**National Planning Policy Framework:** Achieving Sustainable Development; Core Planning Principles; Section 7 – Requiring good design.

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

Policy DS4 (Change of uses in Residential Areas) sets out the policy requirements which change of use proposals in residential areas will need to be considered against.

Policy DS5 (Residential Extensions) is permissive in nature providing the proposal does not adversely affect residential amenity and is sympathetic in terms of design, scale and use of materials.

SPG 1 (Design Guidance for House Extensions) sets out the broad design principles of extending dwellings and notes that one aim of the guidance is to ensure that new housing extensions respect the local character.

**North Lincolnshire Core Strategy:** Policy CS2 (Delivering More Sustainable Development) notes that design should be of a high standard.

Policy CS5 (Delivering Quality Design in North Lincolnshire) requires all new development to be appropriate to its context.

## CONSULTATIONS

**Highways:** Advises that any permission issued by the planning authority should include a condition preventing surface water run-off from hard paved areas and containment of loose materials.

## PUBLICITY

Neighbouring properties have been notified and responses have been received raising the following concerns:

- the height of the decking and its impact on the privacy of neighbouring properties
- reference to outline permission 6/91/0345 that refers to condition 14 'Any building erected pursuant to this permission shall not project in front of the building line shown red on the attached plan'.
- deeds to the properties state that no construction should be closer to the road than 30 feet
- the size of the house extension is out of proportion to its plot and is overbearing
- owners of the property seem to be running a car business from home
- building work appears to be underway
- homes designed with open frontages – proposed fence threatens this sense of place and natural surveillance; high boundary has highway safety implications in terms of reducing visibility for residents and visitors leaving the cul-de-sac
- hedgerow already removed
- the size of the extension and garage is unnecessarily large
- the proposed fencing is an eyesore
- the proposed extension and fence is out of symmetry with the character of the surroundings
- the decking looks fine but is far too high.

## ASSESSMENT

1 Pavilion Gardens is a detached property located on the corner of Brumby Wood Lane and Pavilion Gardens, Scunthorpe. Pavilion Gardens is a cul-de-sac development serving 14 detached dwellings on the site of the former Maternity Hospital and is characterised by large detached houses set in large gardens with open frontages.

To the rear of the application site is a YE substation beyond which is an area of mature woodland.

The original application included a proposal for a close-boarded wooden fence on top of the existing low wall fronting Brumby Wood Lane to a height of 1.8 metres and a new close-

boarded fence fronting Pavilion Gardens. Following discussions with the agent, this element of the application, that attracted a number of objections, has now been withdrawn and amended plans submitted.

The proposal as it currently stands seeks to:

- extend the house to the side with a two-storey gable-ended extension with a ridge height matching the parent house, measuring 6.6 metres wide and a full depth of 9.4 metres. To the west elevation there is a double garage door with three windows above. The existing garage door is to be bricked up with one window formed. The rear elevation has three first-floor bedroom windows and a single door at ground floor level. The northern side elevation is blank. Materials are a red facing brick, concrete interlocking tile and white upvc windows/doors to match existing;
- retain the raised decking area to the rear of the property. The raised decking to the side would be removed as part of the side extension development. The decking area ranges in height from 0.5 metre to 0.8 metre from ground level to the top of the wooden deck with the garden sloping away from the property. It measures 11.2 metres at the widest point and projects 3.5 metres from the existing rear conservatory.

The scaled drawing that accompanies the application provides an appropriate representation of the proposal to enable an assessment to be made.

**In considering this application the main issues are whether the design of the proposed extension and the decking area are appropriate to its context, to the character of the area and to the residential amenity of neighbouring properties, having regard to the provisions of the development plan and other material considerations.**

Local plan policies DS1 and DS5, and core strategy policy CS5, all look to development having regard to its context and being of an appropriate design quality, whereas the SPG requires that extensions should be seen as a cohesive design rather than an 'afterthought'. These policy goals and aspirations are also set within the National Planning Policy Framework (NPPF). The above local plan and core strategy policies have at their heart the need to promote development appropriate to its context.

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and that sustainable development involves seeking positive improvements that include improving conditions in which people live. The framework critically comments that planning policies should not be prescriptive and such an approach can stifle development that accords with good design, amenity and promoting sustainable development.

The application has two distinct elements: the two-storey side extension and the retention of the raised rear decking area.

With regard to the side extension, objections have focused on the scale and possible overbearing nature of the extension, its visual impact on the street scene and restrictions in the property deeds. Reference has also been made to the original outline planning application (6/91/0345) and condition 14 that stated that 'Any building erected pursuant to this permission shall not project in front of the building line shown in red on attached plan'.

Concerns have also been expressed about the size of the proposed garage and its possible use for a business at home. It is noted that the proposed garage is substantial in size but when taken in the context of the proposed extension and its location within an established residential area it is not uncommon for garages of such size to be found. With regard to the concerns that it is likely to be used for a business at home, the application requires to be taken at face value and it is considered that this can be adequately covered by an appropriately worded condition that would restrict the use of the garage to private and domestic use only.

With regard to the original outline consent for Pavilion Gardens, the condition that has been quoted established the 'building line' for the development of the site at that time with the detailed particulars for the maternity home site approved on 12 October 1994. The original outline application carries no weight in terms of the consideration of current planning applications and at the time set the parameters for the overall site development. The existence of a clause in the property deeds that restricts development is not a material consideration in determining a planning application. The question of whether a planning application can be implemented which has a restrictive clause in the deeds is a legal, not planning, matter.

The main consideration is whether the side extension will have a significant detrimental visual impact on the street scene. In terms of scale the side extension is reasonably modest in size and can be accommodated in the garden plot. It is considered that the proposed extension, although visible in the street scene, would not be visually dominant and is in keeping with the style and mass of the original house.

The raised decking area is a substantial structure by itself. It has been constructed to be level with the threshold of the rear conservatory and, due to the garden falling away from the property, the decking's height varies from 0.5 metre to 0.8 metre. It has been finished to a high standard and now incorporates an integrated fish pond. Concerns have been expressed over the height of the decking and the potential overlooking of the neighbouring property to the south and properties across Brumby Wood Lane. The boundary treatment to the neighbouring property comprises a 1.8 metre wooden fence which equates to an effective height of 1.3 metres when the decking's height is taken into consideration. It is worthy to note that under permitted development rights decking can be constructed to a maximum height of 0.3 metre, hence the requirement for this element of the application.

Domestic use of the decking will undoubtedly result in an element of overlooking of the neighbouring garden and across the adjacent highway. The issue is whether the overlooking will have a significant unduly adverse impact on the residential amenities of adjacent properties to such an extent that the refusal of planning permission would be justified. It is considered in this instance that the overlooking will have a serious detrimental impact on the privacy and residential amenities of the occupiers of the adjacent dwelling to the south to justify the refusal of planning permission.

Having regard to the above, it is therefore considered that the raised decking area fails the aim and objectives of the development plan and the National Planning Policy Framework.

**RECOMMENDATION      Refuse permission for the following reasons:**

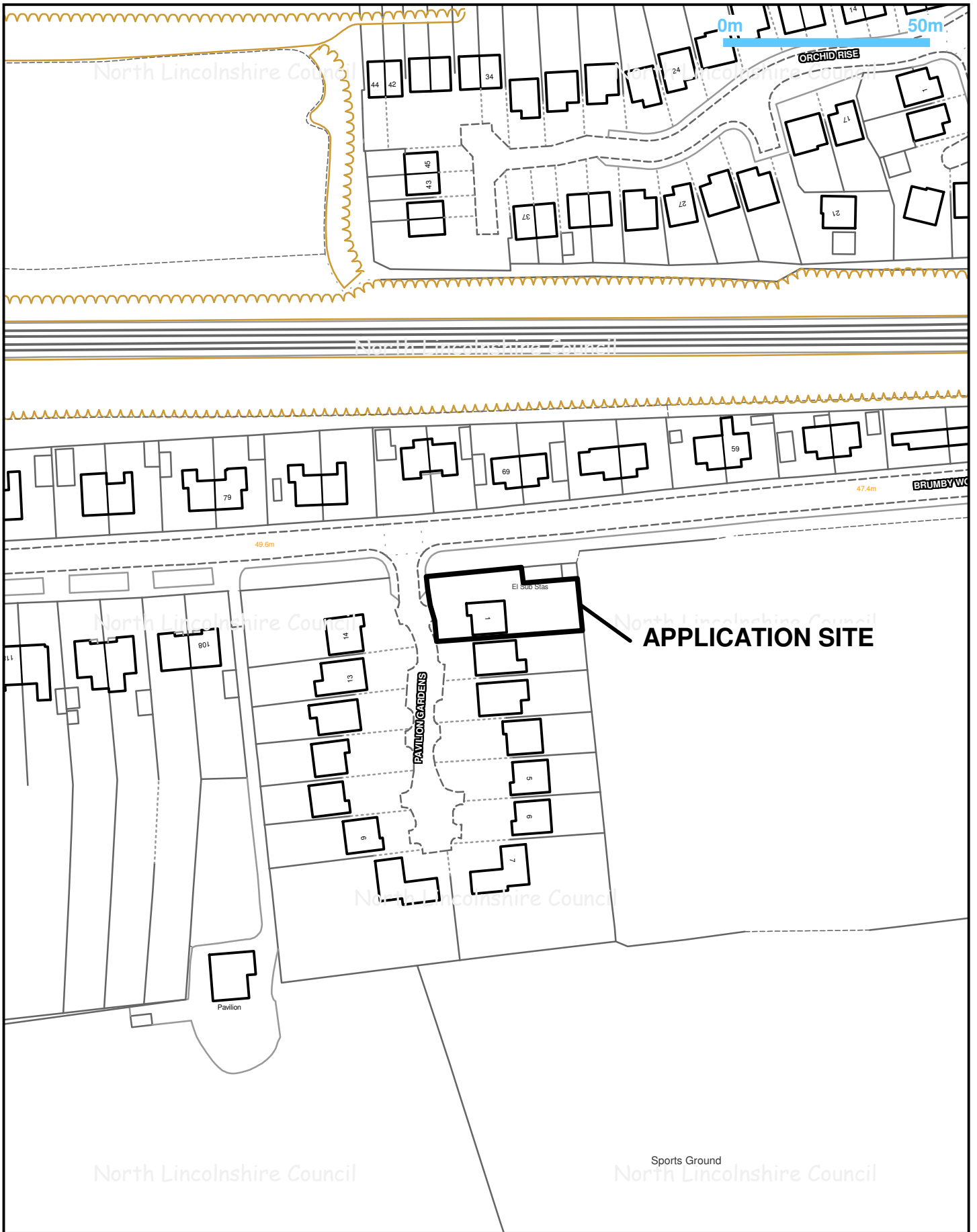
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The raised decking area, by its height and orientation, has a significant unduly adverse impact on the privacy and residential amenities enjoyed by the owners/occupiers of 2

Pavilion Gardens. Consequently, it is contrary to policies DS1 and DS5 of the North Lincolnshire Local Plan 2003, policy CS5 of the North Lincolnshire LDF 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.



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Drawn by: Sue Barden	Date: 05/08/2014	Scale 1:1250	

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