

**APPLICATION NO** PA/2014/1271

**APPLICANT** Mr J Lawton

**DEVELOPMENT** Planning permission to erect a detached bungalow (resubmission of PA/2014/0385)

**LOCATION** Land adjacent to 16 Bigby High Road, Brigg

**PARISH** BRIGG

**WARD** Brigg and Wolds

**CASE OFFICER** David Wordsworth

**SUMMARY RECOMMENDATION** Refuse permission

**REASONS FOR REFERENCE TO COMMITTEE** Applicant request to address the committee

## **POLICIES**

**National Planning Policy Framework:** Core Planning Principles and Section 7.

**North Lincolnshire Local Plan:** Policy H5 (New Housing Development) requires applications to meet a number of criteria that include, in part, that the development is in keeping with the character of the area, no loss of privacy results and adequate amenity space is provided.

Policy H8 (Housing Design and Mix) requires proposals for residential development to take account of the surrounding environment and reflect the need for good design which should complement the area.

Policy DS1 (General Requirements) sets out general environmental and other criteria and standards, which every planning application will be expected to meet.

**North Lincolnshire Core Strategy:** Policy CS2 (Delivering More Sustainable Development) establishes a sequential approach to development.

Policy CS3 (Development Limits) establishes development limits for each settlement and looks to focus development in these sustainable locations.

Policy CS5 (Delivering Quality Design in North Lincolnshire) sets out the key design principles for all new development in North Lincolnshire.

## **CONSULTATIONS**

**Highways:** No objection subject to conditions.

**JBA Consulting:** No response.

**Environmental Health:** No objection subject to a working hours condition.

## **TOWN COUNCIL**

No objection.

## **PUBLICITY**

Neighbouring properties have been notified by letter. Three representations have been received objecting to the proposed development for the following reasons:

- not appropriate to the area
- small gate for building workers is not an acceptable access
- the site is cramped and not in keeping with the surrounding properties
- very close to the road and would create a hazardous situation.

## **ASSESSMENT**

This application was deferred at the last planning committee meeting at the applicant's request to allow him to address this meeting.

### **Application site**

The application site comprises a detached bungalow and gardens occupying a corner site fashioned from the junction of Pingley Lane with Bigby High Road, Brigg. The application site, which the applicant has fenced off, constitutes the western and south-western element of the garden to 16 Bigby High Road and adopts a somewhat contrived 'zig-zag/dog leg' shape. That part of the application site between 16 Bigby High Road and 2 Pingley Lane has a width of 14 metres with the proposed garden area having a width of 7 metres and maximum length of 15 metres.

The character of the area in the immediate vicinity of the application site is of bungalows set within well-proportioned gardens (along Pingley Lane and Bigby High Road) with the surrounding area predominately given over to two-storey dwellings.

### **Basis of application and proposed development**

Planning permission was refused under delegated powers on 29 May 2014 under application reference PA/2014/0385 for the erection of a detached bungalow within the garden of 16 Bigby High Road for the following reason:

*The proposed development is unacceptable as it would result in a cramped form of development that would be out of keeping with the surrounding settlement pattern and would have a significant and adverse impact upon the character and appearance of the area and street scene. The development would also harm the amenity afforded neighbouring properties. The proposed development is therefore contrary to policies DS1 and H8 of the North Lincolnshire Local Plan 2003, CS2 and CS5 of the North Lincolnshire Local Development Framework Core Strategy 2011 and guidance set at the national level and in particular the National Planning Policy Framework and the National Planning Practice Guidance.*

The current proposal in essence repeats that of the earlier application (ie the erection of a detached bungalow) with a similar form save that the roof profile adopts a hipped form rather than a ridge arrangement, whilst the footprint has increased from 85.16 square metres to 89.6 square metres (ie a net increase in floor area of 5.2%). Aside from the aforementioned differences, the proposal varies from that refused permission in a number of other respects:

- the distance between the proposed dwelling and 2 Pingley Lane at its closest point has increased from 2 metres to 2.5 metres; and
- the distance between the proposed dwelling and 16 Bigby High Road has decreased from 4 metres to 3 metres.

These adjustments have been engineered by increasing the land-take of the garden to allow the proposed development to fit within the constraints of the site.

### **Planning policy framework and materiality**

Local plan policy DS1 is criterion-based and sets out a series of environmental and other standards that every planning application is expected to meet, and under the heading of Quality of Design, states:

- 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.*

Policy 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 residential development, local plan policy H5 addresses new housing development and whilst adopting a permissive approach the policy does require, in part, that proposals should be in keeping with the scale and character of the area; be compatible with the amenity of the area; have adequate private amenity space; and the resulting development should not result in overlooking or loss of privacy. Local plan policy H5 is a balancing policy that will allow new residential development provided that a number of criteria are met that include:

- ii. Incorporates a high standard of layout that maintains and where possible improves and enhances the character of the area.*

The need for development to have regard to its context is also set within the explanatory text to Core Strategy policy CS5, which reads:

*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 National Planning Policy Framework (NPPF) establishes a number of overarching Core Principles that have to be taken into account by the decision-taker, which include seeking a high quality of design and a good standard of amenity, together with different roles and character of different areas.

On the matter of design the NPPF sees good design as being indivisible from good planning and aside from operating as a key aspect of sustainable development design should contribute positively to making places better for people. Whilst not looking to act as a prescriptive mechanism within the development management process the NPPF, 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 Planning Practice Guidance (PPG), in considering design, reiterates the above quoted aspects of the NPPF, although the PPG directly references good design as being an integral part of sustainable development. In terms of amenity this is only mentioned tangentially in that a building's form and function, coupled with its relationship with others, can have an impact upon wellbeing.

### **Assessment of the main issues**

The character of any area is more than the visual flow of the type of the buildings and their constituent materials; it also embraces the juxtapositions of buildings 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 the buildings in the vicinity of the development but also the townscape of the general locality. The NPPF requires within the body of its text and the Core Principles that any development should be founded upon an understanding and evaluation of an area's defining characteristics.

The design and context of any development can have an impact upon residential amenity and the decision-taker should have regard to the relationship of the development to neighbouring buildings and their attendant uses, aside from the issues of mass, scale and height.

It is therefore 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 the residential amenity of properties bounding any development site or occupiers of the proposed development are not adversely affected.

In terms of ensuring adequate residential amenity, it is recognised that this is an area where general planning standards prescribing minimum separation distances between habitable rooms can frustrate the creation of attractive residential environments by denying the ability to provide privacy and residential amenity through careful design.

On the matter of design, form, character and presence, in terms of its impact upon the character and appearance of the area, it is felt that the scheme as presented is poor design that does not improve the character and quality of the area.

The immediate character of the application site is of bungalows set within reasonably-sized gardens that adopt a simple form (ie front gardens and rear gardens directly behind the rear elevation of the property and not angled as presented in this application) that are reasonably well-spaced from each other. This pattern of development is also apparent in connection with the wider two-storey development. The proposed development will break the character of the area and, due to the contrived nature of the application site and the width of the dwelling, will represent a form of residential cramming. Whilst national guidance

recognises the need for the effective use of land, there is no support in planning guidance for the use of gardens for residential development that adversely affects the character of an area and represents an inappropriate form of development.

On the matter of amenity, the immediate proximity of the proposed dwelling to the boundary to 2 Pingley Lane (ie 1 metre) will form an overbearing presence and would harm the amenity afforded 2 Pingley Lane. In addition, the alignment of the proposed dwelling and its garden will also negatively impact upon the limited private rear amenity area to 2 Pingley Lane.

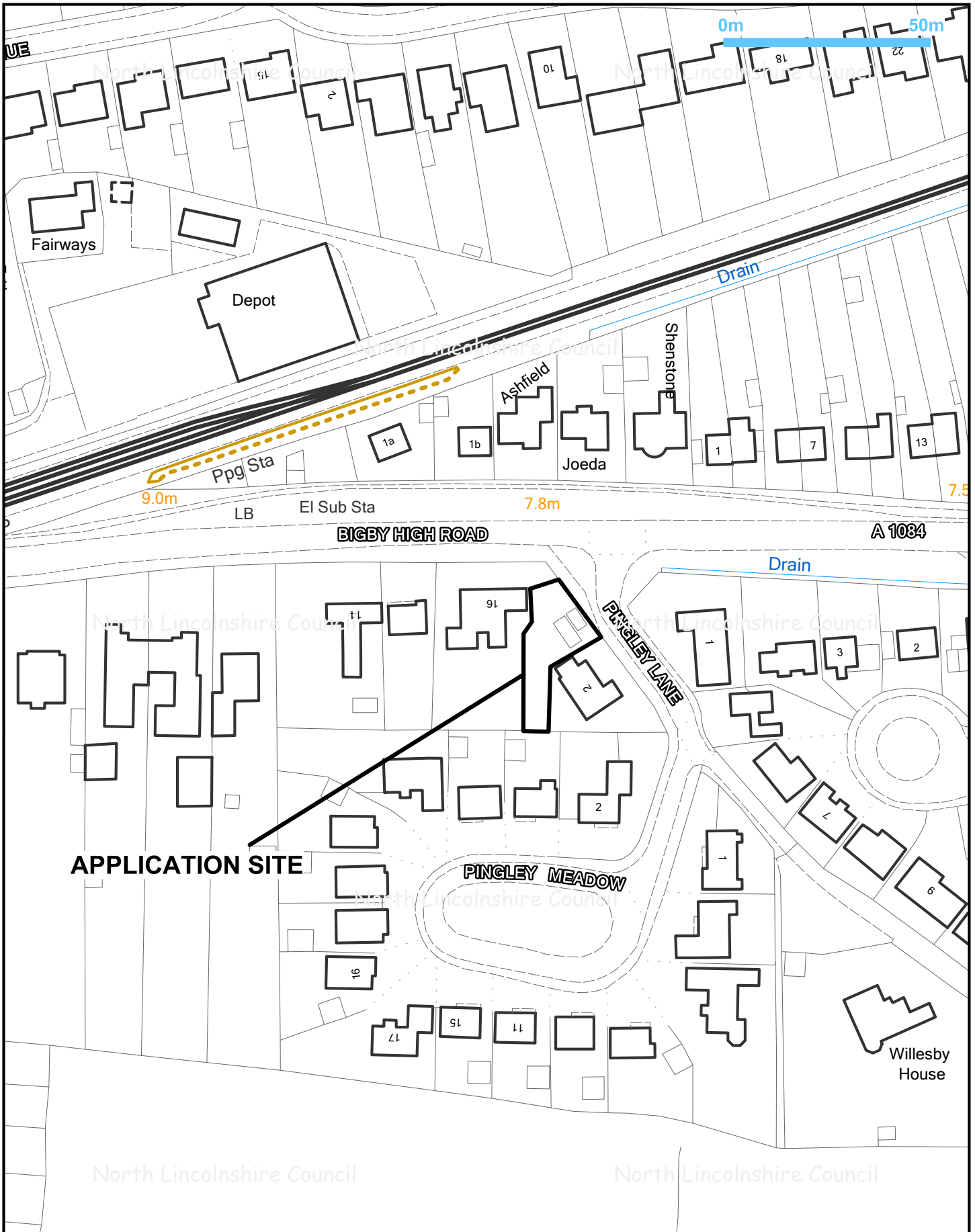
Allowing for the above commentary it is considered that the proposal results in a cramped form of development which is out of keeping with the street scene and would, in turn, have a detrimental impact upon the character and appearance of the area. The development would also harm the residential amenity afforded the occupiers of 2 Pingley Lane.

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

The proposed development is unacceptable as it would result in a cramped form of development that would be out of keeping with the surrounding settlement pattern and would have a significant and adverse impact upon the character and appearance of the area and street scene. The development would also harm the amenity afforded neighbouring properties. The proposed development is therefore contrary to policies DS1 and H8 of the North Lincolnshire Local Plan 2003, CS2 and CS5 of the North Lincolnshire Local Development Framework Core Strategy 2011 and guidance set at the national level, in particular the National Planning Policy Framework and the National Planning Practice Guidance.

**Informative**

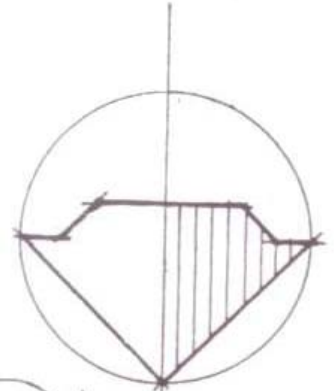
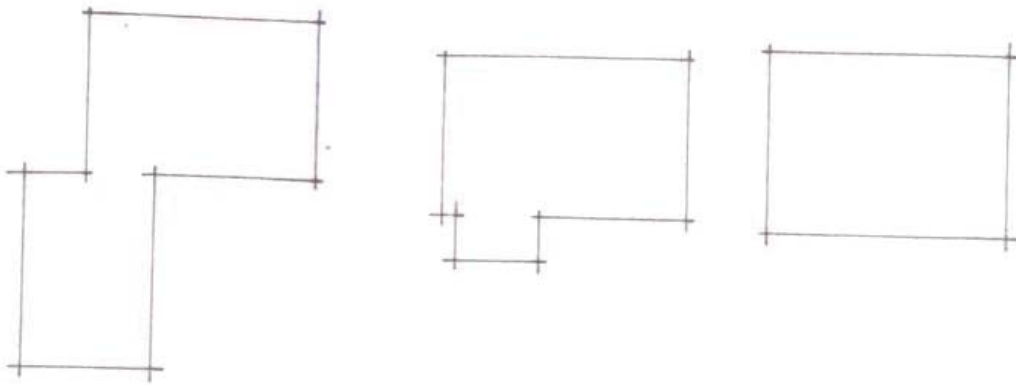
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



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Drawn by: Sue Barden	Date: 24/02/2015	Scale 1:1250	

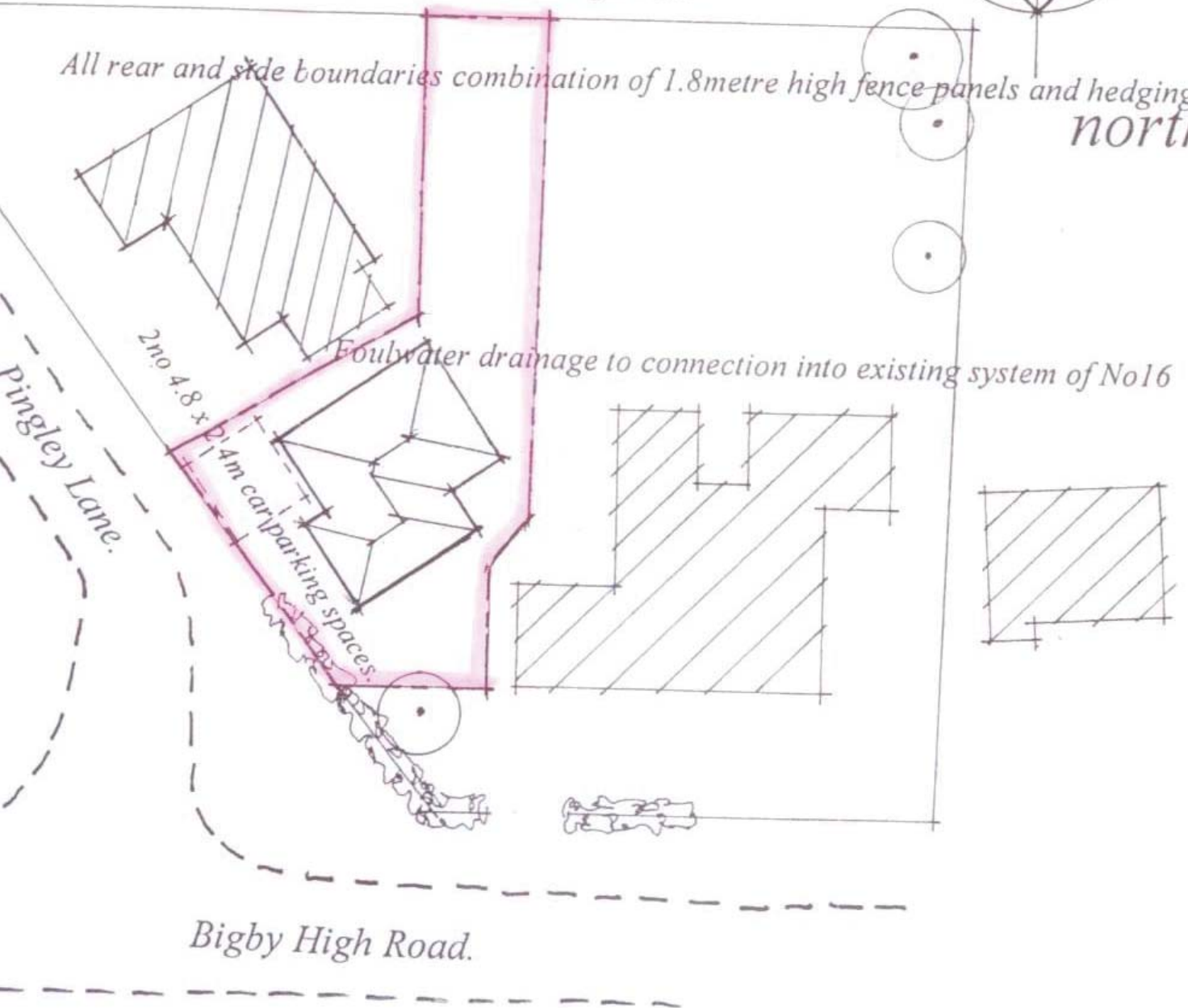
	<p>© Crown copyright and database rights 2015 Ordnance Survey 0100023560</p>	 <p><b>NORTH LINCOLNSHIRE COUNCIL</b> www.northlincs.gov.uk</p>	<p><b>Director of Places</b> <b>Peter Williams</b> BSc,DMS,CEng,MEI,MCMI,AMIMechE</p>
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PA/2014/1271 Proposed Layout Not to scale



roof water to soakaways located in rear garden.

All rear and side boundaries combination of 1.8 metre high fence panels and hedging north.



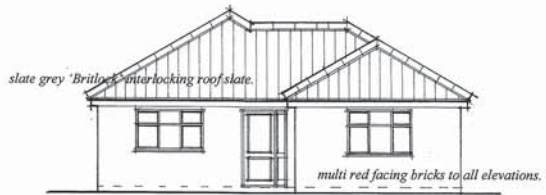
Pingley Lane.

2 no 4.8 x 2.4m car parking spaces.

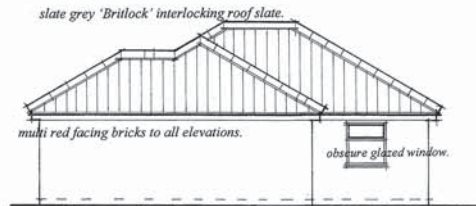
Foulwater drainage to connection into existing system of No16

Bigby High Road.

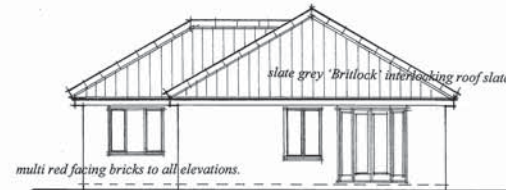
PA/204/1271 Proposed Elevations Not to scale



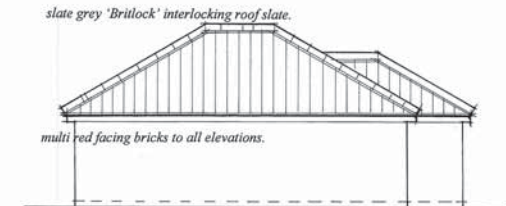
*proposed east elevation.*



*proposed north elevation.*



*proposed west elevation.*



*proposed south elevation.*