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| <b>APPLICATION NO</b>                     | <b>PA/2015/0384</b>   |
| <b>APPLICANT</b>                          | Mr & Mrs S Smithey  |
| <b>DEVELOPMENT</b>                        | Planning permission to erect a replacement dwelling (including demolition of existing dwelling) |
| <b>LOCATION</b>                           | Workshop, 21 Spring Gardens, Thinholme Lane, Westwoodside, Haxey                                |
| <b>PARISH</b>                             | <b>HAXEY</b>  |
| <b>WARD</b>                               | Axholme South   |
| <b>CASE OFFICER</b>                       | Emma Stanley  |
| <b>SUMMARY RECOMMENDATION</b>             | <b>Grant permission subject to conditions</b>   |
| <b>REASONS FOR REFERENCE TO COMMITTEE</b> | Objection by Haxey Parish Council   |

## **POLICIES**

**National Planning Policy Framework:** Paragraph 11 – Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

**North Lincolnshire Local Plan:** Policies DS1 (General Requirements), H8 (Housing Design and Housing Mix) and DS16 (Flood Risk) apply.

**North Lincolnshire Core Strategy:** Policies CS1 (Spatial Strategy for North Lincolnshire), CS2 (Delivering More Sustainable Development), CS3 (Development Limits), CS5 (Delivering Quality Design in North Lincolnshire) and CS19 (Flood Risk) apply.

## **CONSULTATIONS**

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

**Historic Environment Record:** No objections subject to conditions.

**Severn Trent Water:** No objections subject to a drainage condition.

**Environment Health:** No objections subject to conditions relating to hours of construction and contaminated land.

**Environment Agency:** No objections.

**Environment Team (Trees):** No objections subject to a condition regarding protection of trees during construction.

## **PARISH COUNCIL**

Object on the following grounds:

- The application seeks to demolish a bungalow with no apparent major faults. The application is therefore re-use of previously developed land and a new housing development.
- The site is large and has permission for a large workshop which, together with the proposed new build, appears to be over-development.
- This large two-storey building would be imposing in the street scene and would result in a loss of light, overshadowing and loss of privacy to the next property.
- Whilst it is not a material planning consideration the solar panels on the neighbouring property will be affected and suffer a degradation of performance.
- The access to the workshop will further reduce the residential amenity of the adjacent property and enjoyment of the garden.
- The proposal does not comply with policy CS5 as the development is overbearing and out of character with the street scene, and does not comply with policy DS1 due to impact on amenity.
- Does not comply with National Planning Policy Framework paragraph 58 and conclude that the proposal fails the test of the presumption in favour of development.

## **PUBLICITY**

Letters have been sent to neighbouring properties. Letters have been received from two neighbours raising the following objections:

- The property to be demolished is of sound construction and will be replaced by a huge property.
- All the surrounding properties are bungalows except for one which creates a unique character. This property will not reflect the character of the area or preserve the surroundings of this small rural community.
- The property is inappropriate for the area and will not improve the quality of the area and will be obtrusive.
- The applicant runs a business from the rear of the site. The relocation of the access will result in all traffic running past habitable rooms which will reduce enjoyment and amenities currently enjoyed by the occupiers of the neighbouring property.
- The property will be overbearing and domineering and being located to the south will result in a loss of light and privacy. The proposal contravenes the right to light act and fails the council's 45 degree test for light.
- The proposal is contrary to policies DS1 and DS5 as it does not reflect the character of the area and will result in a loss of amenity due to being overbearing and a reduction in light.

- The proposal will result in loss of performance of existing south-facing solar panels.
- The development will exacerbate drainage problems in the area.
- The development seems too large for the site, being significantly bigger than the existing bungalow.
- The access does not seem large enough to accommodate traffic related to the business.
- The proposed boundary wall could have an adverse impact on the adjacent trees.

## **ASSESSMENT**

This application was deferred at the last meeting of the Planning Committee to enable members to visit the site prior to making a decision.

Planning permission is sought to erect a replacement dwelling on a site located within the settlement boundary for Westwoodside. The existing property is a detached, dormer-style bungalow and the replacement dwelling is a two-storey dwelling with a single-storey section to the rear linking the property to a double garage with games room above. The overall size of the site is 16 metres wide and 54 metres deep. This includes the applicants' workshop business which is located on the rear boundary of the site and is an established business approved under application PA/2010/0723.

**The main issues in the determination of this application are whether the scale and design of the dwelling is appropriate in this location and whether the proposal will have a detrimental impact on the amenities of nearby residents.**

The application site is located within the settlement boundary for Westwoodside, therefore the principle of erecting a replacement dwelling is acceptable in planning terms. The existing dwelling is similar to other properties in the area, which are mainly characterised by dormer-style bungalows, bungalows and a large detached dwelling to the south of the application site. In planning terms, there is no objection in principle to the erection of a two-storey dwelling adjacent to or amongst single-storey properties. The main issue is to ensure that the proposal would not be so out of keeping that it would have a detrimental impact on the character of the area or the amenities of neighbouring properties.

In relation to the design and scale of the proposed dwelling, it is considered that the proposal will not have a detrimental impact on the character of the street scene or the area as a whole. The proposed dwelling has a similar frontage to that of the existing and will still provide sufficient garden, parking and access for both the dwelling and the workshop use. The dwelling has been moved further away from the boundary with the neighbour to the north (a dormer bungalow) and the neighbour to the south is set some distance back from the frontage and in from the boundary of the application site. The application site has two neighbours – a detached dormer bungalow to the north and a large detached house to the south. It is not considered that the design of the proposed replacement property is out of character with the immediate area, and although larger and higher in profile than the existing, is acceptable and complies with current local plan and Core Strategy policies.

With regard to impact on residential amenity, it is considered that the proposal will not cause significant harm to the closest neighbours. The neighbour to the north has raised concerns about loss of light, loss of privacy and an overall reduction in residential amenity.

However, the proposed new dwelling is further away from the boundary with this property, and there are no habitable room windows that will be affected to the extent that a significant loss of light occurs. The neighbour is concerned that the proposal will affect light entering windows to the kitchen, one of which is in the rear elevation and one which faces the application site. The window which faces the application site is a secondary window and already faces the existing property, which is closer than the proposed new dwelling. The rear kitchen window is set in from the boundary, and will be a significant distance from any built section of the new dwelling. The neighbour has referred to the 45 degree test used to assess light and that the proposal fails this guidance. However, this guidance is specifically designed to assess extensions to semi-detached properties, not new dwellings, and in any event, when tested against the rear kitchen window, the proposal fails only marginally, and at a point so far away from the neighbour's property that the impact is considered to be minimal.

Concern has also been expressed about the re-siting of the property, which means that the driveway has been moved from the southern side to the northern side, and that the applicants' business activities will have more of an impact than they do already. The applicants' workshop business has been established with planning permission since 2010. It is personal to the applicant and with strong conditions imposed limiting hours of operation, and use of tools and machinery, it was considered acceptable in this residential location. The applicant works alone, and does very specific work which generates about 15 customers per year. Visits to the site are relatively low-key, and there are usually two to three deliveries a week via courier services. Timber delivery does take place, which is either on a pick-up van or 7.5 tonne lorry. No more than 10 to 12 deliveries a year take place with a large lorry. This will not change and it is considered that the business activities will not have an adverse impact on the amenities of the neighbour, as the scale and operation will remain as approved.

Other issues raised have been regarding impact on drainage, however the Environment Agency has not raised concerns about the development and Severn Trent Water has recommended a condition regarding drainage. The neighbour to the south has raised concerns about the impact of the development on a group of trees near to the boundary. Consultations have been carried out with the tree officer and the proposal is acceptable, subject to a condition requiring the trees to be protected during construction.

The parish council has raised a number of concerns similar to those raised by the neighbours, including over-development, impact on residential amenity, impact of the access, out of character with the area and impact on trees. However, the application is considered to be acceptable in relation to scale, design, character of the area and impact on neighbouring properties and complies with the policies referred to above. The proposal is therefore recommended for approval.

**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: SMITHEY-2015-PR01 B and SMITHEY-2015-PRO2 B.

Reason

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

3.

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.

4.

Construction, demolition and site clearance operations shall be limited to the following days and hours:

7am to 7pm Monday to Friday

7am to 1pm on Saturdays.

No construction, demolition or site clearance operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

In the interests of the amenity of nearby residents in accordance with policy DS1 of the North Lincolnshire Plan.

5.

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.

6.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

7.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no buildings or extensions shall be erected on the site other than those expressly authorised by this permission.

#### Reason

To maintain the character of the development in accordance with policy DS1 of the North Lincolnshire Local Plan.

8.

No development shall take place until a tree protection plan and arboricultural method statement have been submitted to the local planning authority and approved in writing, and such works shall be carried out as approved.

#### Reason

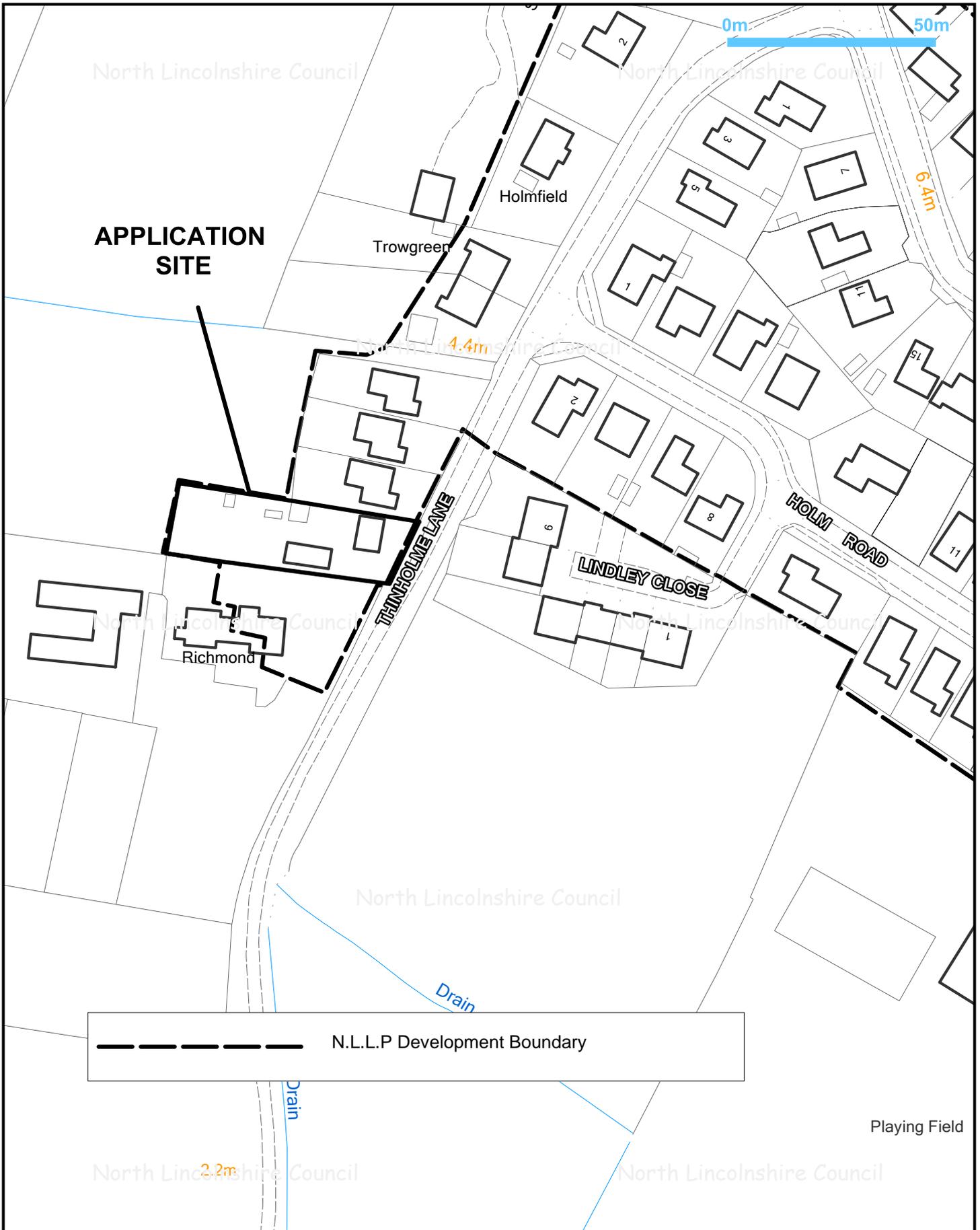
To ensure the character of the local landscape is maintained and enhanced in accordance with policy LC12 of the North Lincolnshire Local Plan.

#### **Informative 1**

Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

#### **Informative 2**

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.



 N.L.L.P Development Boundary

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|---|--|---|
| Title: PA/2015/0384   |  |   |
| Drawn by: Sue Barden  | Date: 27/10/2015   | Scale 1:1250 at A4  |
|  | © Crown copyright and database rights 2015<br>Ordnance Survey 0100023560 |  |
|   |  | Director of Places<br>Peter Williams<br>BSc,DMS,CEng,MEI,MCMI,AMIMechE              |

# PA/2015/0384 Proposed Elevations - Not to scale

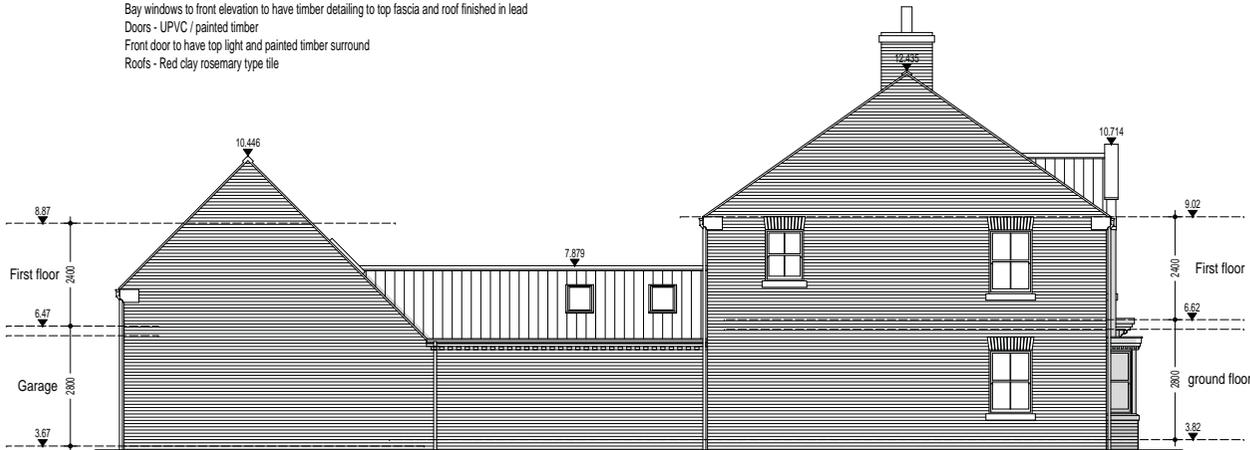


PROPOSED FRONT ~ EAST ~ ELEVATION  
1:100

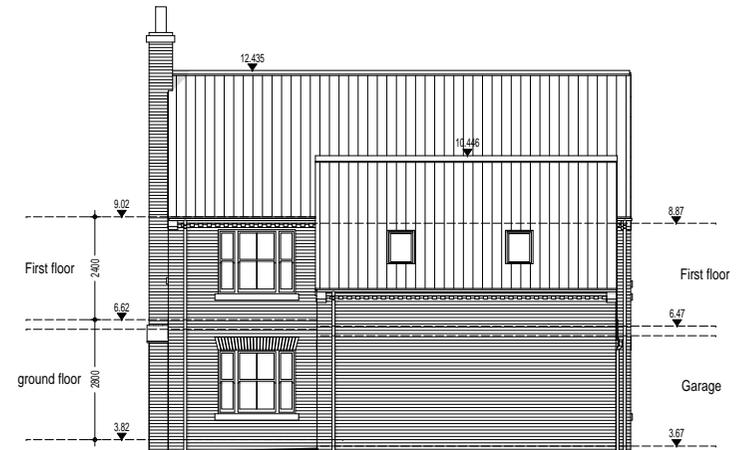


PROPOSED SIDE ~ NORTH ~ ELEVATION  
1:100

PROPOSED MATERIALS  
 Facing brick to outer walls - Wienerberger tecra kassandra bricks (to match existing workshop)  
 Windows - Cream upvc sash windows with stone cills and brick headers above  
 Bay windows to front elevation to have timber detailing to top fascia and roof finished in lead  
 Doors - UPVC / painted timber  
 Front door to have top light and painted timber surround  
 Roofs - Red clay rosemary type tile

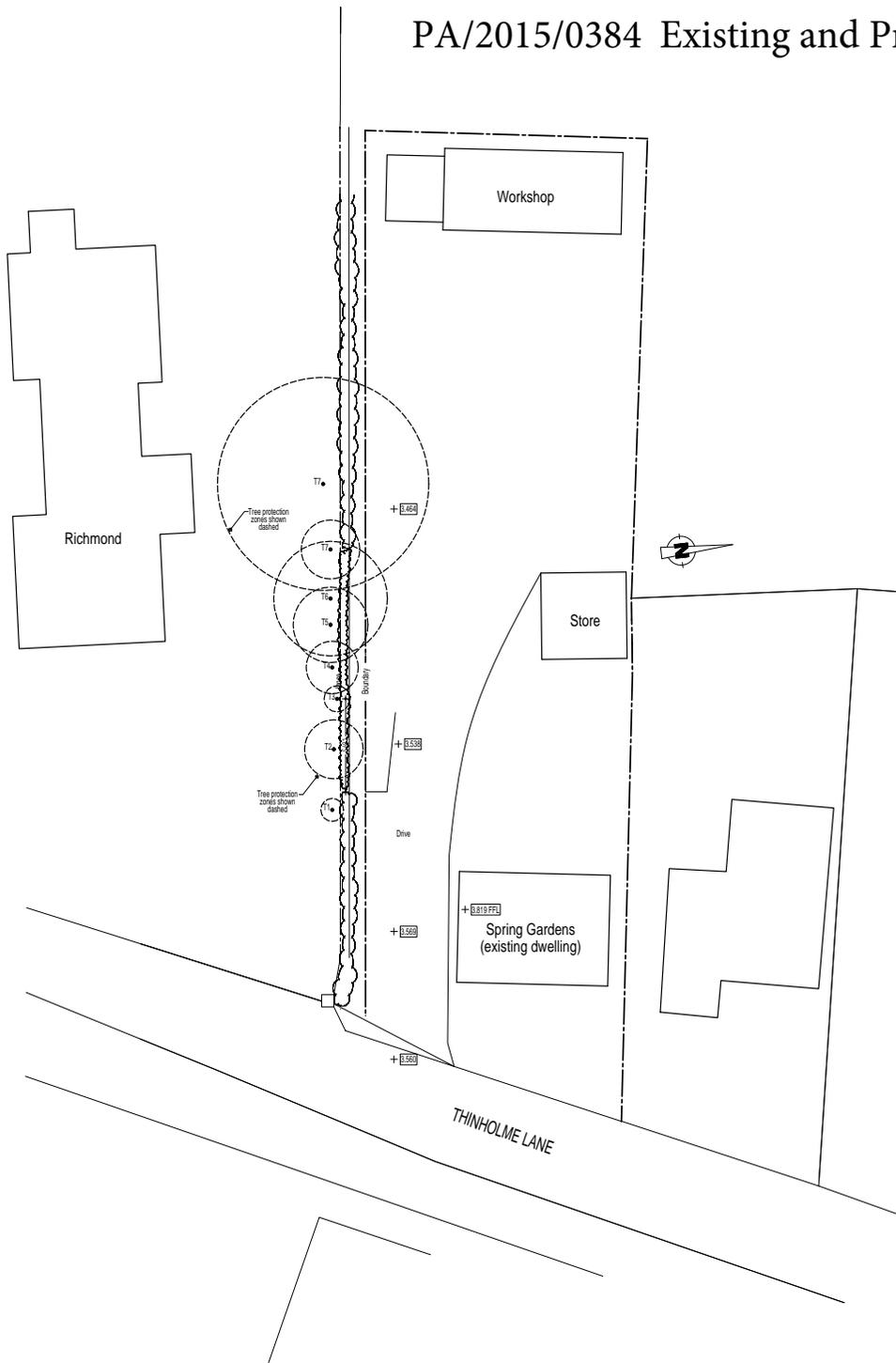


PROPOSED SIDE ~ SOUTH ~ ELEVATION  
1:100

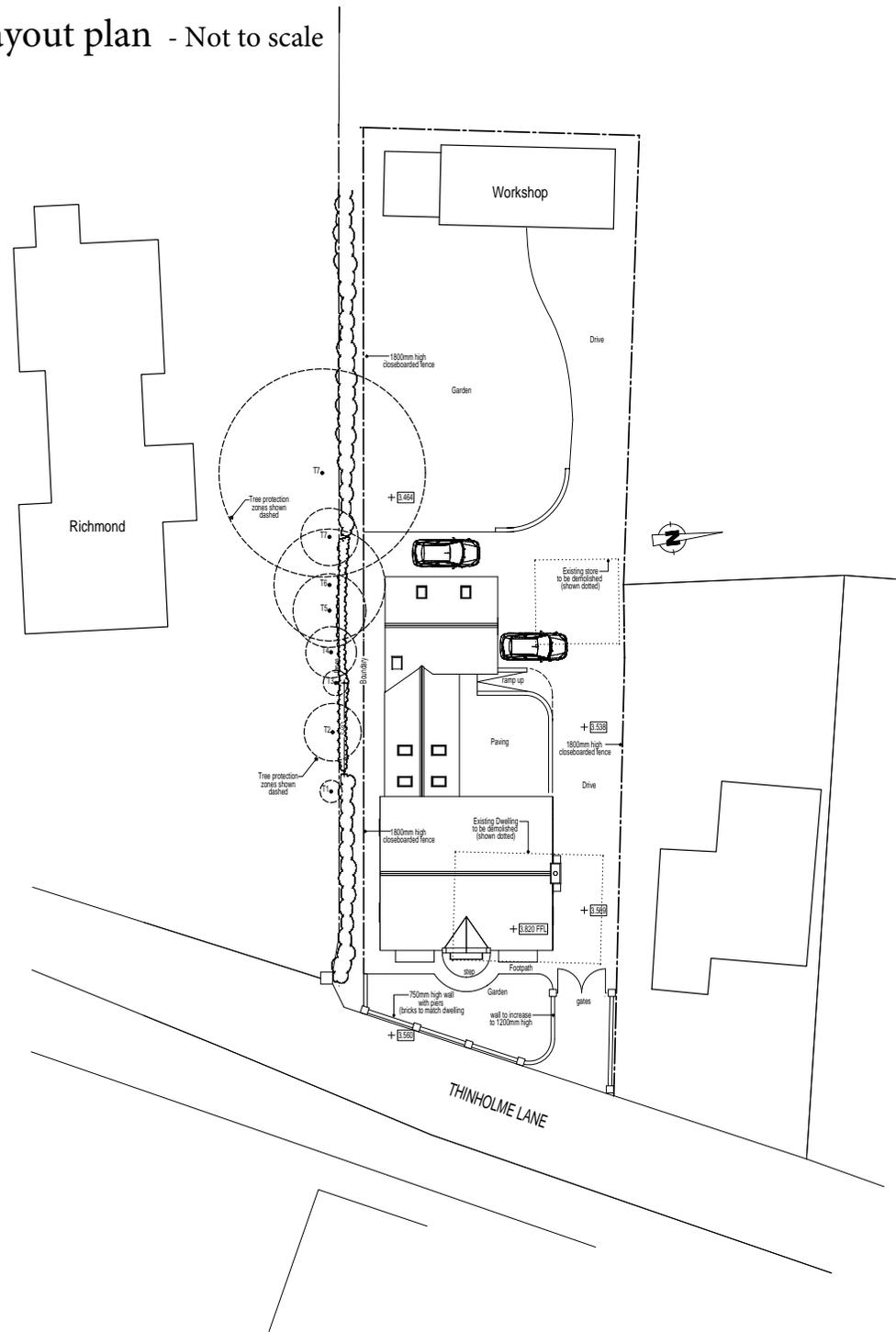


PROPOSED REAR ~ WEST ~ ELEVATION  
1:100

PA/2015/0384 Existing and Proposed Site layout plan - Not to scale



EXISTING SITE PLAN



PROPOSED SITE PLAN