

<b>APPLICATION NO</b>	<b>PA/2016/144</b>
<b>APPLICANT</b>	Mr & Mrs J Ibbotson
<b>DEVELOPMENT</b>	Planning permission to retain a detached garage and vehicular entrance
<b>LOCATION</b>	Beretun, 74 Brigg Road, Barton upon Humber, DN18 5DT
<b>PARISH</b>	Barton upon Humber
<b>WARD</b>	Barton
<b>CASE OFFICER</b>	Leanne Pogson-Wray
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Councillor Keith Vickers – significant public interest)  Objection by Barton upon Humber Town Council  Third party request to speak

## **POLICIES**

**National Planning Policy Framework:** Paragraph 14 states that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 64 states that 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.

**North Lincolnshire Local Plan:** Policies DS1 and DS5 apply.

**North Lincolnshire Core Strategy:** Policy CS5 applies.

## **CONSULTATIONS**

**Highways:** Advise conditions.

**Barton Civic Society:** Object to the proposal as have concerns over the intended use of the building.

## **TOWN COUNCIL**

Objects to the proposal on the following grounds:

- large scale of the property
- overlooking windows and doors in the north elevation

- apparent commercial activity in a residential area
- removal of the tree to the front needs to be looked at by the tree officer.

## **PUBLICITY**

Neighbouring properties have been notified by letter. Four letters of objection have been received raising the following issues:

- the building is being used as a commercial office and has employees
- a commercial use inappropriate in a residential area
- different to previously approved scheme
- overlooking of adjacent property (from windows in northern elevation)
- the garage is the size of a house/too high
- out of character with the area
- potential damage to a tree
- highway safety

Five letters of support have also been received offering the following comments:

- the garage is in keeping with the surroundings
- it complements the existing house.

## **ASSESSMENT**

The application property is a detached house set on a large plot. There is an existing driveway serving the property with an additional driveway under construction. A detached garage has been erected to the side of the dwelling. Planning permission was granted under PA/2015/0755 for a detached garage in this location and for the additional driveway. The garage which has been erected is not in accordance with the approved plans and therefore this application seeks permission to retain the garage as built.

**The main issues in determining this application are whether the garage would have an adverse impact on the amenity of the neighbouring properties or on the character of the area.**

The garage is the main subject of this application. The garage approved in 2015 has the same footprint as the garage which has been erected. However the garage under consideration is higher than the approved with a steeper roof pitch. The garage has been rotated and windows now face north towards 72 Brigg Road. The dwelling at number 72 is set back significantly from the applicants' property and garage. As such, whilst windows face in this direction, there would be no overlooking to the adjacent dwelling or private amenity space. Landscaping along this boundary would also reduce any feeling of being overlooked by the windows in the garage.

Concerns have been raised regarding the use of the garage. It is suggested by the objectors, the town council and the Civic Society that the garage is being used as a commercial office and that this use would be unacceptable in a residential area. The applicant was aware, prior to submitting this application, that any change of use would require an application of that nature. As no such application was submitted, this application is to be assessed on the building only, with the assumption that the use is ancillary to the main dwelling. It should be noted that the use of a garage/outbuilding for a home office, and/or running a business from such does not always constitute a material change of use and is a matter of fact and degree. Without such information, the application must be assessed on its own merits and for what has been applied for. However, a condition is proposed that the garage should be used for ancillary purposes only. If the applicant wishes to use the garage for the running of a business, which would trigger the requirement for planning permission, a new application for a change of use would be required.

Comments have been made regarding the height and appearance of the building. Whilst the garage is higher than a traditional garage, it is considered to be in keeping with the character and appearance of the dwelling and would not have any adverse impact on the character and appearance of the area.

Concerns have been raised regarding the impact on a tree towards the front of the site. A condition was attached to PA/2015/0755 relating to works being carried out in accordance with the submitted Tree Constraints and Protection Report. It is unclear as to whether these conditions were adhered to during construction; however, as the garage is complete, no measures can now be taken with regard to tree protection.

With regard to highway safety, the additional driveway already has consent under the previous permission; however, as this application is a resubmission, it can be considered again. Highways have been consulted and raise no objections to the application subject to conditions.

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

1.  
The development hereby permitted shall be carried out in accordance with the following approved plans: JKI/17/2015 rev A/2016.

**Reason**

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

2.  
Within three months of the date of this permission details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway shall be submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use.

**Reason**

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

3.  
No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to

and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

**Reason**

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

4.

The proposed new vehicle parking and turning facility shall not be brought into use until the vehicular access serving it has been completed within highway limits.

**Reason**

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

5.

The garage hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as Beretun, 74 Brigg Road, Barton upon Humber.

**Reason**

For the avoidance of doubt and to ensure that the garage remains ancillary to the main dwelling and is not used for commercial purposes which may be contrary to policy DS4 of the North Lincolnshire Local Plan.

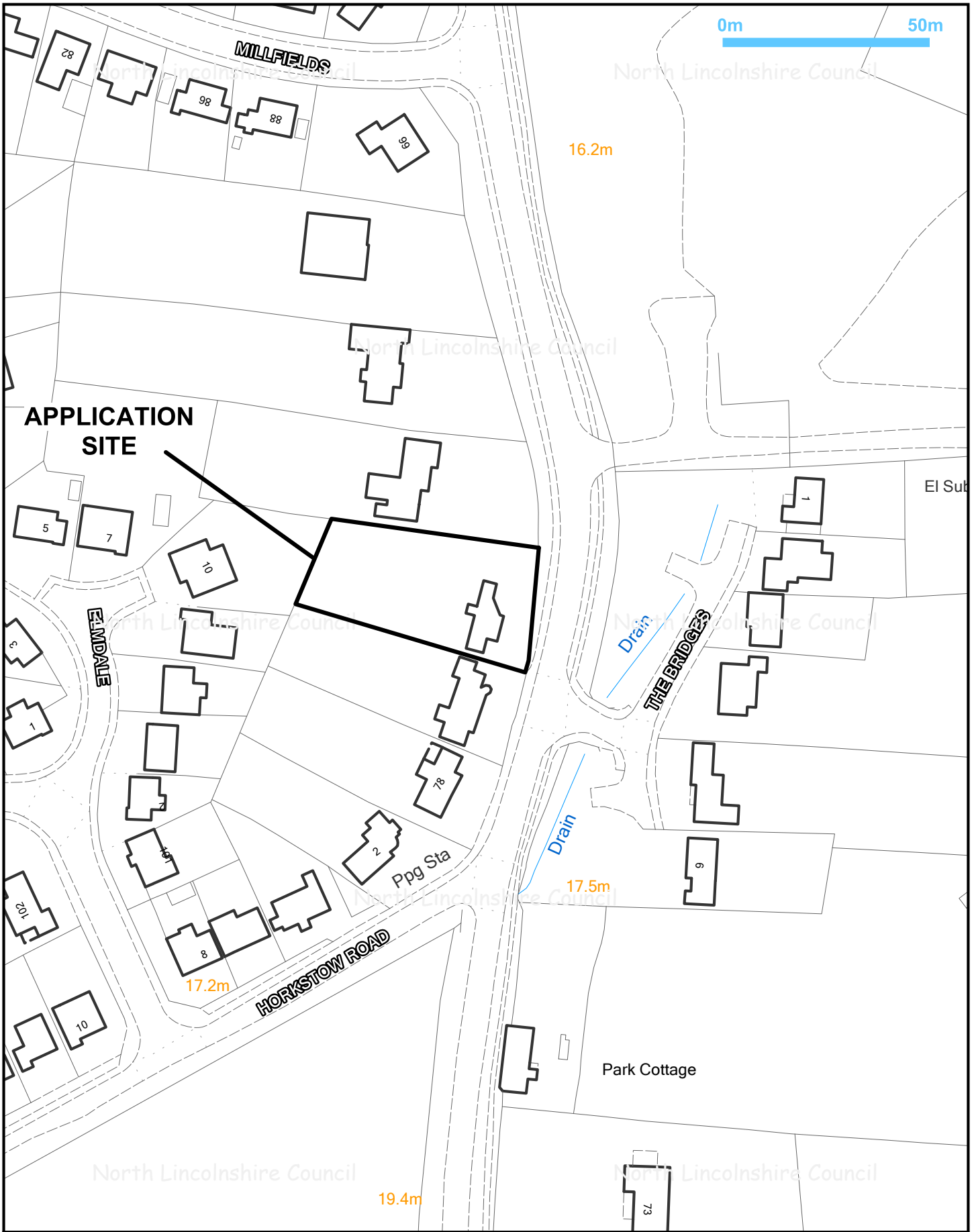
**Informative 1**

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

**Informative 2**

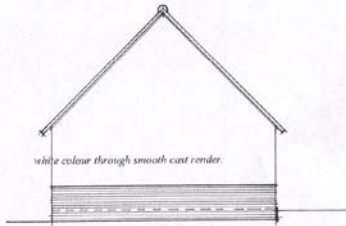
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



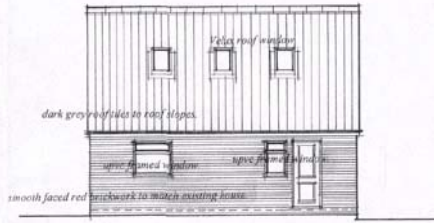
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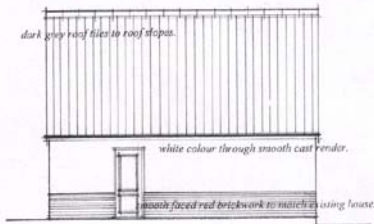
# PA/2016/144 Proposed elevations and floor plan - Not to scale



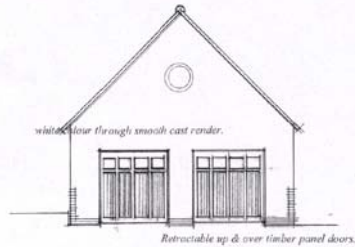
west elevation.



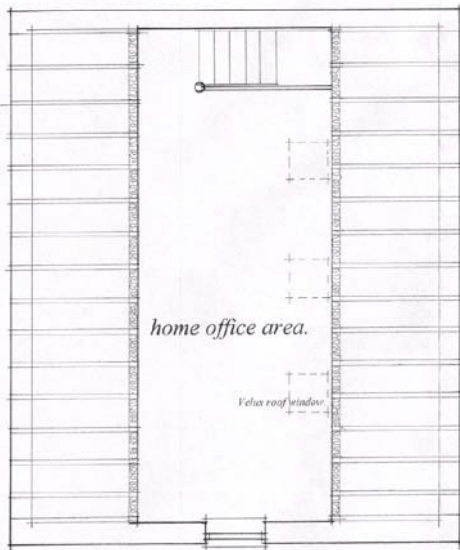
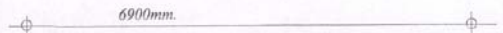
north elevation.



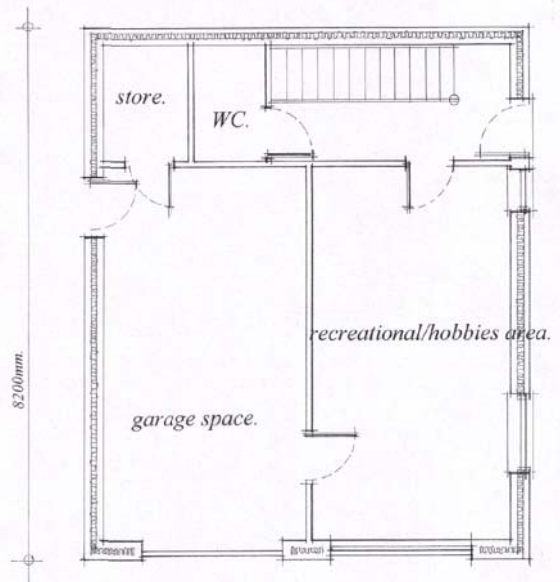
south elevation.



east elevation.



first floor plan.



ground floor plan.



PA/2016/144 Proposed site layout - Not to scale

