

**BOSTON BOROUGH COUNCIL**

**Planning Committee - 08 Oct 2024**

Reference No: B/24/0279

Expiry Date: 06-Sep-2024

Extension of Time:

Application Type: Full Planning Permission

Proposal: Two storey side and single storey rear extension with internal alterations to form small ancillary (annex) accommodation at ground floor level and additional bedroom with en-suite at first floor level

Site: 11, Windsor Crescent, Boston PE21 0HZ

Applicant: Mr A Adewuyi

Agent: Mr Lee Chapman, LPC Architectural Design

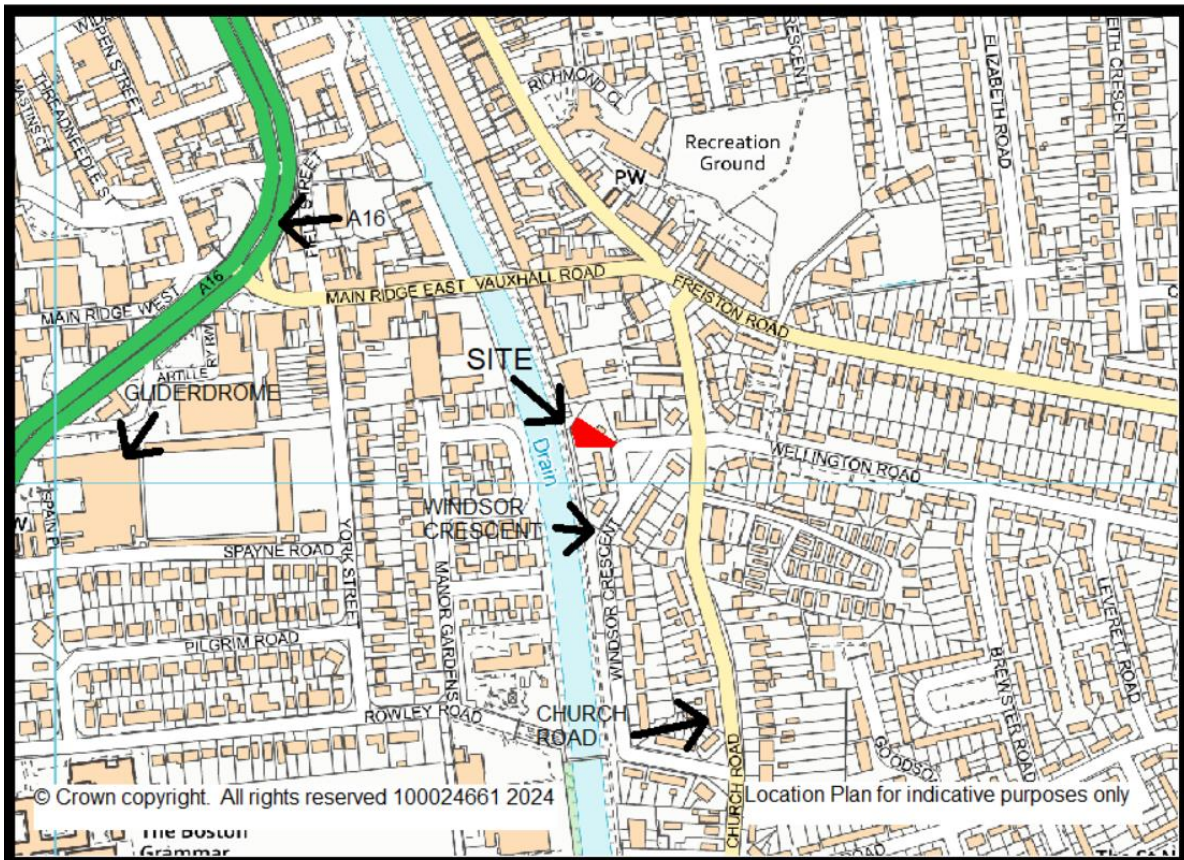
Ward: Skirbeck

Parish: Boston Town Area Committee

Case Officer: Emma Turvey

Third Party Reps: 4

**Recommendation: Approve with conditions**



## **1.0 Reason for Report**

1.1 This application is being presented to Planning Committee following a call-in request from Cllr Gleeson who is the ward member for the area. The reasons for call-in are as follows:

- The size, scale and design of the proposal would result in an overbearing impact on the locality and neighbouring properties.
- Would result in an inappropriate and un-neighbourly form of extension.

## **2.0 Application Site and Proposal**

2.1 The application site consists of a two-storey, semi-detached dwelling located on the western side of Windsor Crescent and is in a residential location in the settlement of Boston.

2.2 The triangular corner plot is of a generous size with space for several vehicles to park on-site.

2.3 The proposal seeks permission to erect a two-storey side extension and a single storey rear extension with internal alterations to create a small annexe at ground floor level and an additional bedroom with en-suite at first floor level.

2.4 A previous application, ref B/24/0037, for a larger two storey side extension was refused on 22 March 2024.

## **3.0 Relevant History**

3.1 B/23/0406 - Application for Prior Approval under Schedule 2, Part 1, Class A for a proposed single storey flat roofed rear extension – Prior Approval Not Required.

3.2 B/24/0037 - Two storey side and single storey rear extension with internal alterations to form ancillary (annex) accommodation at ground floor level and additional bedrooms at first floor level – Refused.

## **4.0 Relevant Policy**

### **South East Lincolnshire Local Plan 2019**

- 4.1 Policy 2: Development Management;
- 4.2 Policy 3: Design of New Development;
- 4.3 Policy 4: Approach to Flood Risk; and
- 4.4 Policy 28: The Natural Environment.

### **National Planning Policy Framework**

- 4.5 Section 4: Decision-making;
- 4.6 Section 12: Achieving well-designed and beautiful places; and
- 4.7 Section 14: Meeting the challenge of climate change, flooding and coastal change.

## **5.0 Representations**

5.1 As a result of publicity three representations have been received from:

- No.'s 9, 13 & 15 Windsor Crescent.

5.2 The objections and comments can be summarised as follows:

- Potential parking issues – There are concerns about the number of existing parking spaces as there are already parking issues in the area, the proposed development may result in on-street parking making it difficult for emergency services to pass.
- Possible unlawful future use - Residents are concerned about the possibility of the dwelling being converted into a House of Multiple Occupation (HMO).
- Loss of natural light – The occupier of No.13 has issues with loss of natural light due to the side elevation of the two-storey element being built so close to their kitchen window.
- Noise issues – The occupier of No.9 has concerns regarding increased noise issues coming through the shared walls.
- Out of character of the area – The proposed development is out of character for the crescent area, especially if it is to become an HMO as there is no other property like this nearby.
- Loss of existing trees – The submitted application form does not mention the established trees at the rear of the property, is there a reason why these trees have not been mentioned?

5.3 A letter was also received requesting that three swift nesting boxes are incorporated into the proposed development to help this species survive.

## **6.0 Consultations**

6.1 Witham Fourth District IDB have requested that they are to be contacted if any changes to the surface or treated water disposal arrangements than stated in the application.

6.2 Lincolnshire County Council have concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increased surface water flood risk and does not wish to object to the planning application.

## **7.0 Planning Issues and Discussions**

7.1 The proposal seeks to erect a two-storey and single storey extensions with internal alterations to create an annexe at No.11 Windsor Crescent.

7.2 The proposal would create an annexe at ground floor level which includes a kitchen/dining/lounge area and a bedroom with en-suite and a kitchen/lounge area for the main dwelling plus an extra bedroom and en-suite on the first floor.

7.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of an application must be made in accordance with the Local Plan unless material considerations indicate otherwise. The key planning issues in the determination of this application are:

- Impact on the character and appearance of the area
- Impact upon the amenity of neighbouring dwellings
- Highway safety and parking
- Flood risk and drainage
- Biodiversity Net Gain

#### **Impact on the character and appearance of the area**

7.4 Policy 2 of the SELLP indicates that developments will be permitted which will not have harmful impacts upon the character and appearance of the area. Policy 3 states that all developments must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.

7.5 The proposed development is concentrated to the southern side elevation and rear elevation of No.11. The two-storey element would result in the side elevation extending out by approximately 3.2m with an overall roof height of 5.2m to eaves and 8m to ridge and is stepped in from the front elevation of the main dwelling.

7.6 The proposal has been reduced following the refusal of previous application B/24/0037. The ridge height and profile of the two storey extension has been reduced, to sit below the existing roofline and back from the front elevation. This results in an extension that appears subservient to the main dwelling and addresses previous concerns of harmful scale, massing and overbearing development.

7.7 Both the single storey and two storey elements of the proposed development will be built in materials which match the original dwelling and incorporates design details from the original dwelling to ensure it is in keeping with the character of the dwelling and surrounding area. It is considered the proposed materials and appearance would cause no harm to the area's visual amenity or character.

7.8 No.11 benefits from an extensive curtilage, by virtue of its triangular shaped plot and the proposed extension would result in the majority of the dwelling's curtilage remaining undeveloped.

7.9 Following the reduction in size, scale and massing it is considered that the proposed development would not harm the character or appearance of the area, and therefore meets the requirements of Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

#### **Impact on the amenity of neighbouring dwellings**

- 7.10 Policies 2, 3 and 30 of the SELLP seek to ensure that a new development does not significantly impact neighbouring land uses by reason of noise, odour, disturbance or visual intrusion.
- 7.11 The application site is immediately adjacent to two residential dwellings, No.13 is located to the south and No.9 is attached and is located to the north-east of the site.
- 7.12 Objections have been received by residents with issues relating to highway safety, noise pollution, not in keeping with the area, use of dwelling and overshadowing.
- 7.13 The main considerations for this proposed development are possible overshadowing, loss of privacy and overlooking. It is considered that due to the close proximity of No's 9 and 13, they will require more detailed consideration.
- 7.14 No.9 is adjoined to No.11 and located to the north-east of the application site and due to the positioning of the proposed development, the main impact to be considered is the single storey rear extension. This element will project out from the rear elevation by approximately 3.9m with a height of approx. 3m. There is a space of approximately 350mm between the side wall of the extension and the boundary between the two dwellings. There is an existing single storey outbuilding to the garden of No.11 and No.9 which this proposal partially replaces on the side of No.11. The extension has been designed without windows in the side elevation, which diminishes the risk of overlooking and loss of privacy.
- 7.15 Taking into account the single storey nature of the proposed extension, the existing boundary treatments and the existing outbuilding it is considered that there will not be an unacceptable adverse impact in terms of loss of outlook, overbearing or loss of light.
- 7.16 In addition, a single storey rear extension of 3m with a height of 3m could be achieved under permitted development rights and this has been taken into account as a fall-back position. The single storey element of the proposal would only increase the size of such an extension by less than a metre and the impacts of this are not considered to be detrimental to neighbouring amenity.
- 7.17 The proposal indicates that part of the ground floor of the proposal is to be an annexe. If all other policy criteria are met and the proposal is considered acceptable, it will be considered necessary to attach a condition to ensure that the annexe will be occupied only for the purposes ancillary to the use of the residential occupation of No.11 Windsor Crescent, Boston, PE21 0HZ.
- 7.18 No.13 is located on the southern boundary of the application site and consists of an end of terrace dwelling. No.13 is mainly impacted by the two storey side extension element of the proposal. There is currently a separation distance of approximately 7.5m between the closest front corner of both dwellings.
- 7.19 The proposed plans demonstrate that, due to the orientation of the two dwellings and the stepped design of the proposed two storey side extension, a minimum separation

distance of 4.6m can be achieved at the closest point, with this extending to 10.2m to the rear. The existing boundary treatments are proposed to be retained.

- 7.20 It is considered that the proposal would result in acceptable separation distances between the two dwellings and the reduction in scale, size and positioning from the previously refused scheme has addressed the detrimental impacts on neighbouring amenity.
- 7.21 It is therefore considered that that due to the separation distance and amended design of the proposed development, there will not be an adverse impact upon the occupiers of No.13 in terms of overbearing or loss of outlook.
- 7.22 In terms of privacy issues for No.13, there are no windows proposed in the side elevation at first floor of the two storey extension, on ground floor there are two windows proposed in the side elevation which will serve the annexe bedroom and annexe kitchen/lounge area, however these windows are high level, approximately 1.75m above finished floor level and coupled with the existing 1.8m high boundary fence and established hedgerow along the boundary line, the impact upon the occupiers of No.13 in terms of overlooking and loss of privacy will be minimal.
- 7.23 Representations received raised issue with increased noise as a result of the extension. The proposal relates to a ground floor annexe on the opposite side of the dwelling to the attached neighbour and an additional bedroom to the first floor. It is not considered that this would result in increased noise above normal residential levels expected in the area.
- 7.24 In addition, representations have been received in relation to the future use of the dwelling as a house of multiple occupation (HMO). The application is not seeking a change of use from a single dwelling to a HMO and must be assessed on its individual merits for the description of development as sought, that of an extension.
- 7.25 In terms of neighbour concerns in relation to the use as a HMO, permitted development rights exist that allow a single dwelling to be used as a HMO without the need for planning permission. If in future, the dwelling is to be used as a HMO that does require planning permission, that will need to be applied for, and assessed by the Local Planning Authority. In terms of this application, speculative future uses that may or may not occur are not material planning considerations in the assessment of this proposal for an extension.
- 7.26 It is therefore considered the proposal would be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

#### **Impact on highway safety and parking**

- 7.27 SELLP Policy 2 states that developments will be permitted providing that sustainable development considerations are met relating to access and vehicle generation levels.

- 7.28 Objections have been raised with regards to the impact the proposal will have on traffic and parking levels in the area which could result in an impact on emergency services being able to pass.
- 7.29 The proposed development does include the creation of an annexe which is only to be used ancillary to the main dwelling. The application site includes space for 2-3 vehicles to park off the public highway and due to the location of the proposed development and size of the plot, this will not be impacted by the proposal.
- 7.30 The Highways Authority were consulted and have no objections to the proposed development and have concluded that whilst it is possible that the development will result in more spaces than is available on-site, there is parking available on the highway in the vicinity which is acceptable.
- 7.31 It is therefore considered that the proposed use is in accordance with SELLP Policy 2 in respect of effect on access, parking and highway safety.

### **Flood risk and drainage**

- 7.32 Policy 4 of the SELLP seeks to ensure that new development is not unnecessarily exposed to flood risk, and does not increase flood risk elsewhere.
- 7.33 The application site is located within the Environment Agency's Flood Zone 3 and therefore a Flood Risk Assessment was submitted as part of the application.
- 7.34 The flood risk assessment details the context of the site and the proposed development and confirms that the proposed ground floor will be approximately 100/150mm above the surrounding external ground floor levels and that no local site-specific risks that would adversely affect the flood risk categorisation of the site and that there are considered to be no increased risk of offsite flooding risks as a result of the development.
- 7.35 When considering the site and proposals as a whole, it considered to be an acceptable form of development in terms of flood risk that would not detrimentally increase the risk of flooding to the site or surrounding area. Therefore, the proposals are considered to accord with SELLP Policy 4.

### **Biodiversity Net Gain**

- 7.36 Policy 28 of the SELLP seeks to ensure a high quality, comprehensive ecological network is achieved by ensuring that all development proposals provide an overall net gain in biodiversity. In England, biodiversity net gain is now also required under a statutory framework introduced by [Schedule 7A of the Town and Country Planning Act 1990 \(as inserted by Schedule 14 of the Environment Act 2021\)](#). Requiring developers to deliver a net gain of 10% on site, resulting in more or better quality natural habitat than there was before development.

7.37 This householder application falls under one of the listed exemptions for biodiversity net gain and therefore the applicant has not been required to provide a 10% uplift. On this basis, it is considered that the proposals accord with the requirements for BNG.

## 8.0 Summary and Conclusion

8.1 This application seeks full planning permission for the erection of a two-storey side extension and single storey rear extension and internal alterations to create a small annexe.

8.2 When assessing the proposed development and site, and taking into account the amended design following the previous refusal of B/24/0037, it is considered that the proposed development has addressed the previous reasons for refusal, and will not have any adverse impacts upon:

- the character and appearance of the surrounding area;
- the amenity of the neighbouring dwellings;
- highway safety;
- flood risk and drainage; and
- Biodiversity Net Gain.

To conclude, it is considered that this proposed development is acceptable and accords with Policies 2, 3, 4 and 28 of the South East Lincolnshire Local Plan 2019 and Sections 4, 12 and 14 of the National Planning Policy Framework (2023).

## 9.0 Recommendation

9.1 It is recommended that Committee approve the application subject to the following conditions.

1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p><b>Reason:</b> Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>The development hereby permitted shall not be carried out except in complete accordance with the following details shown on the submitted plan(s):</p> <ul style="list-style-type: none"><li>▪ LPC-329-01 Site Location Plan, Existing Floor Plans &amp; Elevations</li><li>▪ LPC-329-02 Rev E Proposed Floor Layouts &amp; Site Plan</li><li>▪ LPC-329-03 Rev E Proposed Elevations</li><li>▪ Flood Risk Assessment</li></ul> <p><b>Reason:</b> To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies</p>



	2, 3, 4 and 28 of the South East Lincolnshire Local Plan 2019, and guidance contained in the National Planning Policy Framework (2023).
3	<p>The annexe hereby permitted shall remain incidental to the use of the dwelling house known as 11 Windsor Crescent and shall not form a separate dwelling.</p> <p><b>Reason:</b> In the interests of amenity and quality of accommodation in accordance with Policy 1 and 3 of the South East Lincolnshire Local Plan 2019.</p>
4	<p>The materials to be used in the construction of the development hereby permitted shall match as closely as possible those of the principal existing building on the site.</p> <p><b>Reason:</b> In the interests of the architectural and visual integrity of the overall development and the visual amenity of the area in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>

No-BNG2	<p>Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the “biodiversity gain condition” which means development granted by this notice must not begin unless:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan.</p> <p>is the subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.</p> <p><b>Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is exempt from biodiversity net gain, and as such does not require approval of a biodiversity gain plan before development is begun.</b></p>
BNG3	<p><b>Statutory exemptions and transitional arrangements</b></p> <p>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at <a href="https://www.gov.uk/guidance/biodiversity-net-gain">https://www.gov.uk/guidance/biodiversity-net-gain</a>.</p> <p>Irreplaceable habitat If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.</p> <p>Effect of Section 73(2D) of the 1990 Act Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended)</p>

where -

- (a) a biodiversity gain plan was approved in relation to the previous planning permission (“the earlier biodiversity gain plan”), and
- (b) the conditions subject to which the planning permission is granted:
  - (i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and
  - (ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.