

## BOSTON BOROUGH COUNCIL

### Planning Committee – 6 February 2018

Reference No: B/17/0442

Expiry Date: 12-Jan-2018 (extended from 27-Dec-2017)

Application Type: Full Planning Permission  
Proposal: Erection of two storey side and rear extension and two storey front extension.  
Site: 79 Pilley's Lane Boston, Lincolnshire PE21 9RA

Applicant: Mrs Ayesha Virk

Ward: Fishtoft  
Parish: Fishtoft Parish Council

Case Officer: Stuart Thomsett

Third Party Reps: Four

**Recommendation: GRANT**



## **1.0 Reason for Report**

- 1.1 This item is returned to the Planning Committee following the resolution at the meeting of 9<sup>th</sup> January 2018, to defer the item for a site visit, the content of the report below remains as previously presented.
- 1.2 This planning application has been presented to Planning Committee at the request of Cllr Noble due to concerns regarding the interpretation of Local Plan Policy G1 (amenity).

## **2.0 Application Site and Proposal**

- 2.1 The existing house is located on Pilley's Lane and although within countryside in planning terms as is some 500m outside the Boston Development boundary, it is set within a very traditional urban streetscape albeit backing onto open arable fields.
- 2.2 The site is on the southern side of Pilley's Lane and covers approximately 0.11 hectares.
- 2.3 It is proposed to construct: -
- a single storey side extension (with 1.5 storey roof pitched to the new two storey element) to provide a new kitchen and pantry. It measures 9m in depth x 2.7m width and is a continuation of the existing two storey side wing located 1.5m from the boundary shared with No.77 Pilley's Lane.
  - a two storey rear extension to provide a family room and dining area which is open plan to the new kitchen and served by bi-fold doors to the rear garden. Whilst the room measures 8m in depth, it is a 7m deep extension x 6.4m wide. There is a new master suite at first floor with balcony enclosed at the sides by walls and the rear by a balustrade.
  - a 1.8m front extension to provide a new entrance lobby and lounge extension at ground floor and bedroom extensions at first floor.

## **3.0 Relevant History**

- 3.1 B/07/0176 – single storey rear extension – approved.
- 3.2 No other recent relevant history regarding the house.
- 3.3 At first visual inspection, the brick outbuilding that has been constructed at the foot of the rear garden 2m from the shared boundaries does not appear to exceed 4m in height to the ridge of the pitched roof, was constructed under permitted development and thus did not require planning permission.

## **4.0 Relevant Policy**

### **Boston Borough Adopted Local Plan**

- 4.1 The development plan consists of the saved policies of the Boston Borough Local Plan (Adopted 1999). S.38(6) of the 2004 Act requires that determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 4.2 The land is outside of the Boston Development Boundary and therefore in terms of the Adopted Local Plan is land designated as 'Countryside'.
- 4.3 The saved Local Plan Policies of relevance to this application are as follows:

**Boston Borough Local Plan (April, 1999)**

- G1 (General Amenity)
- G2 (wildlife habitat)
- G3 (foul water disposal)
- G6 (pedestrian and vehicular access)
- C01 (development in the countryside)

**National Planning Policy Framework**

The National Planning Policy Framework (NPPF) 2012 seeks the speedy approval of proposals that accord with the development plan and, where the plan is "absent, silent or relevant policies are out of date", to grant permission unless the adverse impact would significantly and demonstrably outweigh the benefits; or that policies in the NPPF indicate development should be restricted.

In terms of determining applications for domestic extensions, paragraphs 60 and 64 are relevant: -

60. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

64. 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.

**5.0 Representations**

- 5.1 As a result of publicity four objections were received from 70, 75, 77 and 81 Pilley's Lane. The following issues were raised by the occupants of the neighbouring properties: -
- The proposed extensions will have a detrimental impact upon the character of the area
  - The plans have not been drawn up by a proper architect. The floor plans are inaccurate
  - The plans do not appear to be to scale
  - The block plan is incorrect and does not include the existing single storey extension to No. 81
  - The proposed development is overbearing and out of scale and thus detrimental to character of the area. It will represent over-development.
  - The proposed development will result in overlooking, overshadowing, loss of light and views
  - Concerns about surface water drainage. Concerns as to whether existing soakaways can deal with additional surface water as Pilley's Lane has no mains drainage
  - The proposed extensions will result in an overall 66% increase upon the footprint of the original building which is totally disproportionate to the size of the site
  - Substantial loss of amenity in terms of overbearing due the extent of brickwork and overshadowing

- The development amounts to a selfish appropriation of unobstructed outlook, commandeering access to views.
- The balcony will also permit an unwarranted 8m intrusion into and overlook neighbouring gardens
- Outbuilding is visible from Pilley's Lane
- Poor unfinished outbuilding in the rear garden that adopts the footprint of a bungalow and remains an eyesore which is not served by rainwater goods. Based on experience, we are fearful of a similar erection of a similar monstrosity

## **6.0 Consultations**

- 6.1 Fishtoft Parish Council has no objections.
- 6.2 Witham Fourth District IDB has no comments to make.

## **7.0 Planning Issues and Discussions**

- 7.1 In terms of policy compliance, as the site is outside the development boundary (Boston) the relevant policies contained within the development plan are CO1 and G1 as well as guidance contained within the NPPF. Therefore, the issues under consideration are as follows:-

### **Impact upon the amenities of neighbouring properties**

- 7.2 ALP Policy G1: PLANNING PERMISSION WILL ONLY BE GRANTED FOR DEVELOPMENT WHICH WILL NOT **SUBSTANTIALLY HARM** (my emphasis) THE AMENITIES OF OTHER NEARBY LAND USERS OR RESIDENTS, OR THE GENERAL CHARACTER OF THE AREA BECAUSE OF ITS NATURE, SCALE, DENSITY, LAYOUT, APPEARANCE OR LEVEL OF TRAFFIC GENERATION.
- 7.3 The three letters of objection have all raised the impact that the proposed development will have upon amenity as a reason to object to this application. This is in respect of overlooking, overbearing / being oppressive and overshadowing. In order for the Local Planning Authority to consider refusing an application for domestic extensions, the degree to which the proposed development would cause harm to the amenity of neighbouring properties must be SUBSTANTIAL.
- Overlooking – the proposed roof lights, windows contained in the rear elevation and balcony enclosed by walls to the sides will result in no significant decrease in privacy levels in adjacent dwellings and gardens when compared to the existing fenestration. This assessment takes into account the likely increased time that individuals are likely to spend on a balcony rather than standing at a rear bedroom window. The windows contained in the east elevation are obscure glazed.
  - Overbearing / oppressive – the proposed rear extension and side extension will increase the footprint of the house by 7m to the rear and 2.7m to the side. However, it must be accepted that with 14m wide and 50m deep rear gardens, this plot has more than sufficient area to extend into without causing substantial harm to the amenities of neighbouring properties. Whilst any increase is unlikely to be welcomed by the occupants of neighbouring properties as it will result in a slight degree of overbearing, this in no way would constitute a degree that would cause substantial harm that would even remotely warrant a refusal of this application. The proposed 1.8m deep front extension will have a negligible impact upon neighbouring amenity.

- Overshadowing – the rear elevation of the properties on the southern side of Pilley’s Lane benefit from this aspect and enjoy the sun for the majority of daylight hours. Whilst the proposed extensions will reduce the amount of sunlight currently enjoyed by No. 81 during the early morning and No. 77 in the very late evening, this in no way would constitute a degree causing substantial harm that would warrant a refusal of this application.

### **Impact upon the design and appearance of the house**

The proposed extensions represent a significant increase upon both the footprint and mass of the house as originally constructed. However, national and local planning policy and guidance relating to design does not relate to increases in size. The appearance of the house will certainly not decrease in quality and the materials and overall design will complement the existing house and the surrounding built environment and streetscape.

### **Impact upon the character of the area**

It is proposed to construct a single storey side extension, two storey rear extension and two storey front extension. It will provide additional living accommodation. The design of the extension will complement the existing house and whilst representing a sizeable increase upon the footprint of the house as originally constructed, the plot can easily accommodate the proposed extensions without causing substantial harm to the amenities of nearby residential properties.

The plans have been drawn to scale - 1:100 at paper size A0 for the floor plans and elevations and 1:200 for the site / block plan. While the scales aren’t stated as they should be, the dimensions are stated for cross-reference purposes. The plans are accurate and clearly show the proposed development and whether they have been drawn by an architect is not relevant in the determination of this application.

To respond to the objection relating to the submitted site / block plan: whilst I agree that the plan does not include the single storey extension constructed at the neighbouring property, this shortcoming did not prevent me from assessing the merits of the proposed development, and in particular how this will impact upon this property. Whilst not mentioned in the objections, the proposed front elevation has not been included but as it is merely proposed to construct a new two storey front elevation 1.8m in front of the existing front elevation, it is considered that an elevational drawing is not needed to determine whether the proposed development is acceptable.

## **8.0 Summary and Conclusion**

8.1 The proposed development will not have a detrimental impact upon the character of Pilley’s Lane and will not pose as an alien or incongruous feature in this semi-rural location. The proposed extensions will not have a substantially detrimental impact upon the amenity of neighbouring residential properties and will not have a significantly detrimental impact upon the overall design of the house or highway safety and will therefore fully comply with Adopted Local Plan Policy G1 and guidance contained in the NPPF.

## **9.0 Recommendation**

9.1 It is recommended that Committee GRANT Planning Permission subject to the following condition(s) and reason:-

### **CONDITIONS AND REASONS:**

1. CA31 – Statutory time limit.
2. The development hereby permitted shall be carried out in strict accordance with the application received 1<sup>st</sup> November 2017 and in accordance with the associated plans referenced: -

1/1 Site Location Plan, Site Plan, Floor Plans and Elevations

Reason: For the avoidance of doubt, in the interests of proper planning and to accord with the objectives of Local Plan Policy G1.

### **Reason for Granting Planning Permission**

Planning permission has been granted for the proposed extensions as they will not have a detrimental impact upon the character of Pilley's Lane and will not pose as an alien or incongruous feature in this semi-rural location. The proposed extensions will not have a substantially detrimental impact upon the amenity of neighbouring residential properties and will not have a significantly detrimental impact upon the overall design of the house or highway safety and will therefore fully comply with Adopted Local Plan Policy G1 and guidance contained in the NPPF.

**Simon Rowberry**  
**Interim Development Manager**