

BOSTON BOROUGH COUNCIL

Planning Committee – 12 February 2019

Reference No: B/18/0411

Expiry Date: 11-Dec-2018

Extension of Time: 20-Jan-2019

Application Type: Full Planning Permission

Proposal: Two storey rear extension following demolition of conservatory and garage

Site: 38, Hesse Avenue, Boston, PE21 8DA

Applicant: Mr Alex Manning

Agent: Mr David Bradley

Ward: Staniland

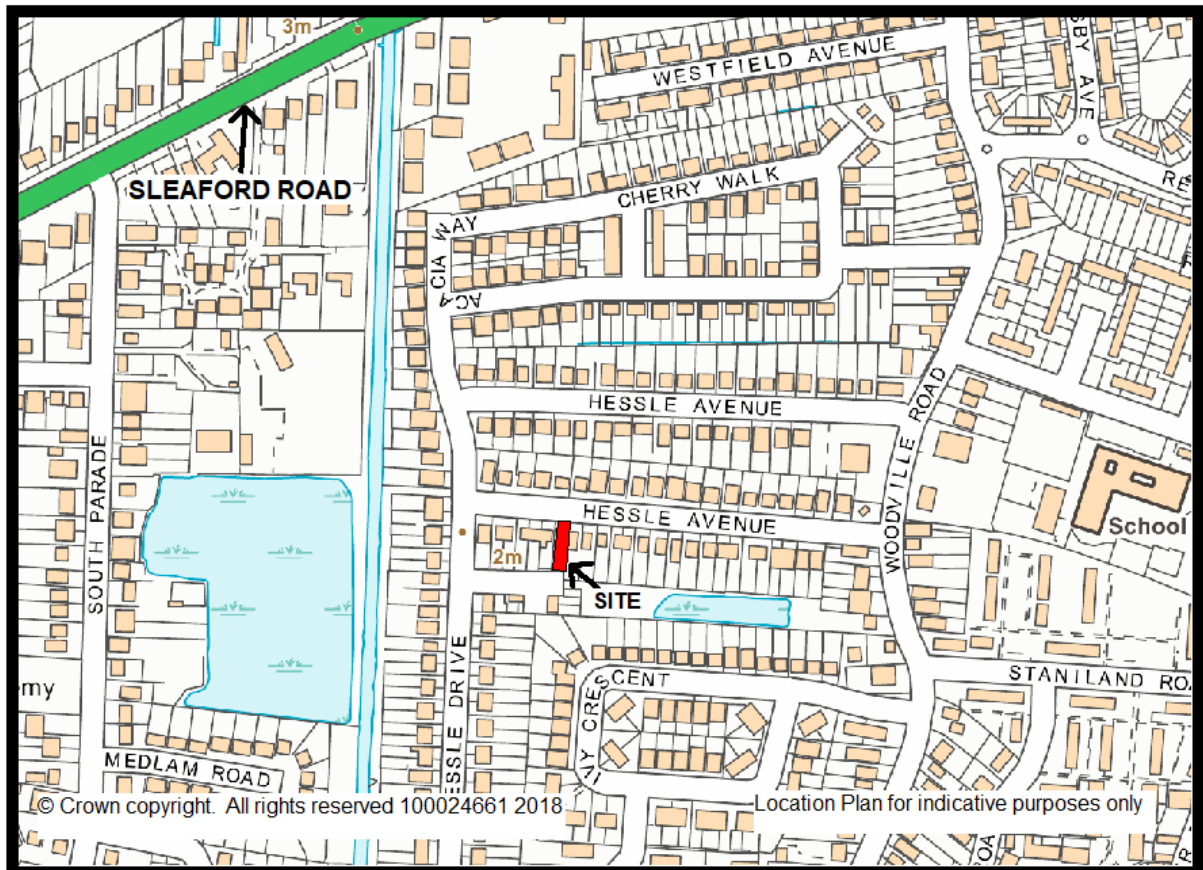
Parish: Boston Town Area Committee

Case Officer: Stuart Thomsett

Third Party Reps: One

Link to Planning Record: [B/18/0411](#)

Recommendation: GRANT



1.0 Reason for Report

- 1.1 This application is presented to Planning Committee due to Councillor Brown calling it in to determine '*possible harm to neighbour's amenity*'.

2.0 Application Site and Proposal

- 2.1 Modern detached house situated on Hessle Avenue within the Boston Development Boundary. Residential area, traditional streetscape comprising dwellings of all types, sizes, styles and designs.
- 2.2 This application seeks full planning permission to construct a two storey rear extension following the demolition of conservatory and garage. Following discussions with the Council, the applicant has reduced the footprint and scale of the design to further reduce any likely impact upon the residential amenities of neighbouring properties.

3.0 Relevant History

- 3.1 None.

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). Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 4.2 This site is within the Boston development boundary.
- 4.3 The saved Local Plan Policies of relevance to this application are as follows:
- G1 (Amenity)
 - H10 (Household extensions)

National Planning Policy Framework (NPPF) (2018)

- 4.4 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with the development plan without delay.

Chapter 9 Well-designed places is of relevance and in particular Para 130 which states: -

'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, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).'

South East Lincolnshire Local Plan 2011-2036

4.5 The site is included within the Boston development boundary within the South East Lincolnshire Local Plan (SELLP).

4.6 Paragraph 48 of the NPPF states:

Local planning authorities may give weight to relevant policies in emerging plans according to:

a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

4.7 It is anticipated that the South East Lincolnshire Local Plan will likely be adopted at the beginning of 2019. Therefore the policies contained within this document are attracting increasing weight. Objections have not been received in relation to the relevant draft policies and therefore weight can be attributed to Policy 2 (Development Management) as set out within the Main Modifications.

5.0 Representations

5.1 As a result of publicity one letter of representation has been received from 36 Hessle Avenue:

'We are writing to yourselves to strongly object to the above planning application. After reviewing the plans and speaking to Mr & Mrs Manning myself and my wife feel that the size of the proposed extension is too large for the size of the plot. As a result it would block not only daylight from our plot but would also restrict views, overshadowing both our property and garden.

As the proposed extension will only be 900mm from our border we feel that this will be too close to our property and will also come out to far.

Although both ourselves and other properties in the area have had extensions previously nothing has been ever built on this scale and we therefore feel it would have an enormous negative visual impact on the surrounding area.'

6.0 Consultations

6.1 None.

7.0 Planning Issues and Discussions

7.1 The house has already been subject to a construction of a rear conservatory. This application proposes its demolition as well as the detached garage in the event that permission is granted in order to accommodate the proposed extension.

- 7.2 In terms of overall design and impact upon the overall character and appearance of the house and area, the proposed extension will not be highly visible from Hesse Avenue save for the (approx. 1.5m) of the proposed extension built to the east of the existing gable. The properties on Hesse Court will not be greatly affected as they are orientated in order that the gable end of the nearest house faces the rear elevations of the application property and includes no windows.
- 7.3 Therefore, the sole issue that is of concern is the likely impact that the proposed development will have upon the amenities of adjoining properties No. 40 Hesse Avenue and No. 36 Hesse Avenue.
- 7.4 Boston Borough Council's adopted Local Plan Policy G1 states that:
*'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.'*
- 7.5 The letter of objection from the adjoining property, No. 36 Hesse Avenue raises 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.
- 7.6 Overlooking – the proposed roof lights and windows contained in the rear elevation will result in no significant decrease in privacy levels in adjacent dwellings and gardens when compared to the existing fenestration.
- 7.7 Overbearing / oppressive – the proposed rear extension and side extension will increase the footprint of the house by 4.3m to the rear and 1.5m to the side. It must be accepted that due to the demolition of the existing garage, which is nearer to the neighbouring property than the extension will be, this plot has 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 warrant a refusal of this application. Moreover, it must also be accepted that the neighbour at No. 36 Hesse Avenue constructed a single storey extension in very close proximity to the shared boundary. Referring to the block plan and photographs, it can be appreciated that the proposed two storey extension will be the same distance from the rear elevation as the adjacent extension and as a result only affect the first floor rooms and windows of the neighbouring property (No. 36). Finally, the applicant and architect has considered the likely impact of the development upon the neighbouring property and consequently reduced the height of the eastern gable to 4.2m to further reduce the degree of impact to No. 36.
- 7.8 The existing 4m deep conservatory close to the shared boundary with No. 40 will be demolished. The resulting development would have an increased footprint compared to the conservatory of 300mm. This overall depth has been reduced following discussions between the officer and applicant. In addition, the ridge

height has been further lowered by 500mm and the eaves by 1m to further reduce any impact upon the neighbouring property.

- 7.9 Overshadowing – the rear elevation of the properties on the southern side of Hesse Avenue 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. 40 during the early morning and No. 36 in the very late evening, this in no way would constitute ‘substantial’ harm that would warrant a refusal of this application
- 7.10 The development as proposed will not be significantly detrimental to neighbouring amenity as no significant levels of overlooking, overbearing or overshadowing will occur to the adjacent properties. Highway safety will not be significantly affected. The character of the area will not be adversely affected by the proposed extension which therefore accords with Local Plan Policies H10 and G1.

8.0 Summary and Conclusion

- 8.1 The proposed development will not have a detrimental impact upon the character of Hesse Avenue and will not pose as an alien or incongruous feature in this urban location. The proposed extension 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 and will therefore fully comply with Adopted Local Plan Policies G1 and H10 in addition to guidance contained in the NPPF.

9.0 RECOMMENDATION –

- 9.1 It is recommended that Committee **GRANT** the application subject to the following conditions and reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in strict accordance with the application received 16th October 2018 and 17th January 2019 and in accordance with the associated plans referenced: -

Site Location (1:1250), block plan (1:500), proposed floor plans and elevations drwg no. 1850/1D.

Reason: To ensure the development is undertaken in accordance with the approved details, in the interest of residential amenity and to comply with saved Policy G1 of the Boston Borough Local Plan 1999.

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2018 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Lisa Hughes
Growth Manager