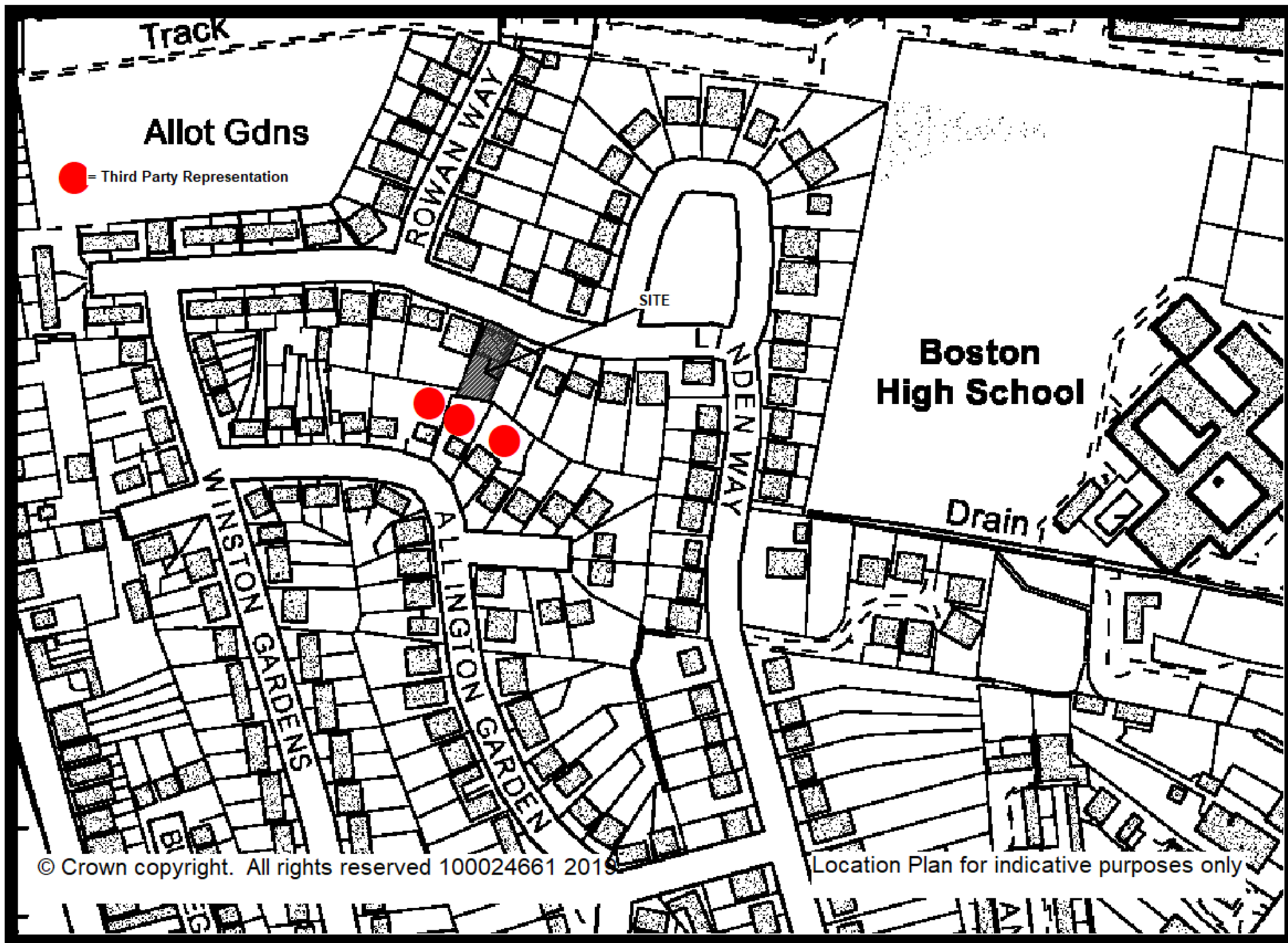


PLANNING APPLICATION B/19/0283

Single storey extension to side and rear,
demolition of existing conservatory and
erection of detached garage

70, Linden Way, Boston, PE21 9DS

Applicant: Mr Coventry



Track

Allot Gdns

● = Third Party Representation

ROWAN WAY

SITE

Boston High School

Drain

Winston Gardens

ADEN WAY

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Location Plan for indicative purposes only

BOSTON BOROUGH COUNCIL

Planning Committee - 15 October 2019

Reference No: B/19/0283

Expiry Date: 20-Sep-2019

Extension of Time: 18-Oct-2019

Application Type: Full Planning Permission

Proposal: Single storey extension to side and rear, demolition of existing conservatory and erection of detached garage

Site: 70, Linden Way, Boston, PE21 9DS

Applicant: Mr Coventry

Agent: Mr Neil Dowlman, Neil Dowlman Architecture Ltd

Ward: Trinity

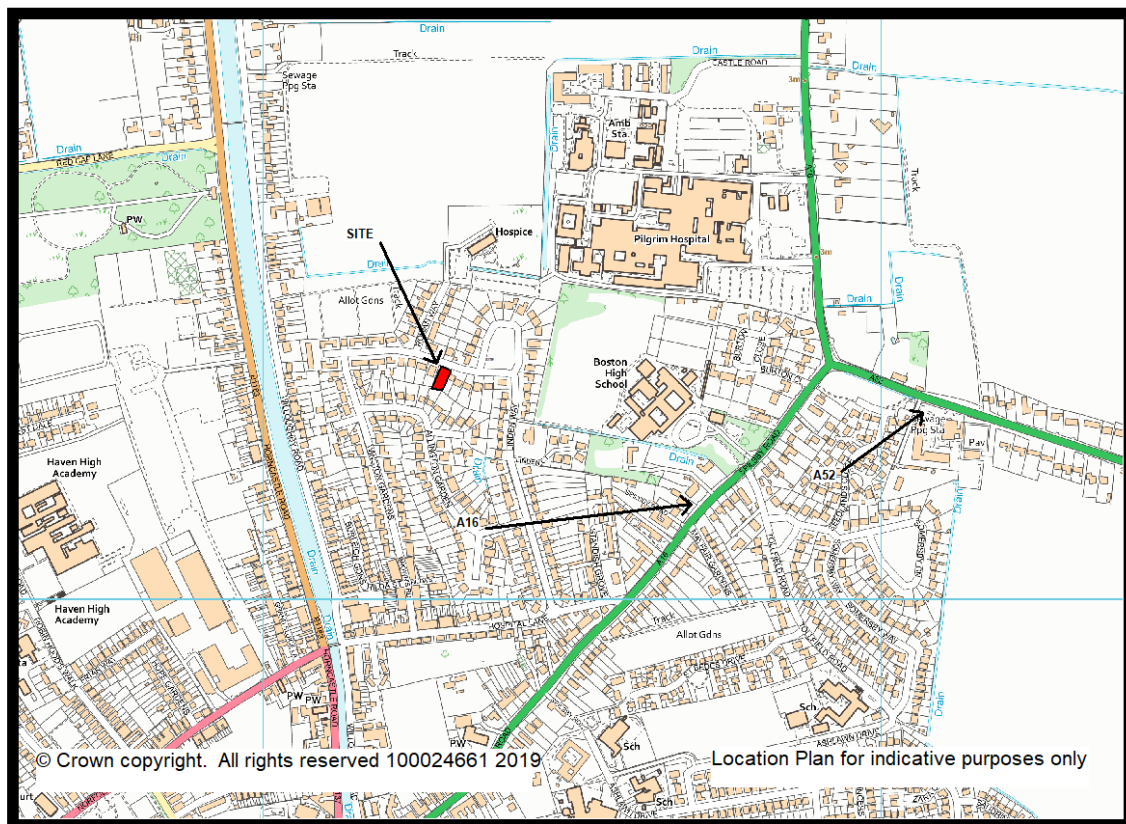
Parish: Boston Town Area Committee

Case Officer: Richard Whittaker

Third Party Reps: 4

Link to Application: [B/19/0283](https://www.boston.gov.uk/portal/Planning/ViewApplication/B/19/0283)

Recommendation: CONDITIONAL APPROVAL



1.0 Reason for Report

- 1.1 The application is reported to the Planning Committee having been 'called in' by Councillor Stevens due to the great concern expressed by residents in relation to the position of the building being on their boundary, the height of the proposed garden building, and over-looking their properties.

2.0 Application Site and Proposal

- 2.1 The site comprises a detached bungalow with a front and rear garden. It is located on the south side of Linden Way and is in use as a residential dwelling.
- 2.2 The site is located within the Flood Risk Zone 3. The surrounding area is a residential area and neighbouring properties are residential dwellings of a similar age and style.
- 2.3 The application seeks planning permission for various works to include the following:
- The demolition of an existing conservatory and garage along with the erection of a single storey rear extension and the erection of a single-storey side extension in order to facilitate a new garage, a utility room and a toilet.
 - The alteration of the roof on the front elevation of the property in order to create a second gable pitched roofed feature adjacent to, and set back from an existing dual pitched gable. The proposed alterations would introduce an imitation timber clad finish to aspects of both the front and rear of the building.
 - The formation of a dual-pitched roof building in the rear garden.

3.0 Relevant History

- 3.1 No relevant planning history.

4.0 Relevant Policy

South East Lincolnshire Local Plan

- 4.1 The following policies are most relevant:
- Policy 2 – Development Management
 - Policy 3 – Design of New Development
 - Policy 4 – Approach to Flood Risk

5.0 Representations

- 5.1 Four letters of objection have been received from members of the public. These representations highlight the following material considerations:
- Residents consider that the garage and the outbuilding are being proposed to facilitate the servicing and repair of motorcycles. They are concerned about the impact of those activities on the surrounding area.
 - Residents consider that the size and scale of the proposed building in the rear garden is excessive. The building will have an overbearing impact upon the gardens of neighbouring dwellings.

- Residents consider that the proposed alterations to the bungalow itself, in terms of the design and the materials used are not appropriate and do not match the prevailing house type in the area.

6.0 Consultations

- 6.1 Highways LCC – Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.
- 6.2 Witham Fourth District IDB – Have registered no objections to the proposed works however 2no informatives have been put forward.

7.0 Planning Issues and Discussions

- 7.1 The key considerations in regard to this application are the impacts on the character and appearance of the area and on neighbour's amenity.

Impact on the character and appearance of the area

- 7.2 SELLP Policy 2 states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met. These include size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses as well as the quality of its design and its orientation.
- 7.3 SELLP Policy 3 states that all development proposals will create a sense of place by; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.
- 7.4 Paragraph 131 of the NPPF states that when determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 7.5 The proposed works would include alterations to both the front and the rear of the property, the result being the significant and fundamental change the overall design and appearance of the building to give it a more current/contemporary/modern feel and look. The current street scene exhibits a definitive pattern of single gable fronted designs with a brick clad finish the existing units are reflective of the general age of construction and the development of the estate (as an extension of other estate development).
- 7.6 The proposal seeks to remove the existing flat roofed garage and replace it with a garage that continues the pitched roof theme of the dwelling, which would make for a design which accords more smoothly as a part of the dwelling. The proposed addition of a secondary front gable with imitation timber cladding would bring in an alteration which would prove an exception to an otherwise largely uniform pattern of design within the street scene. With respect to the erection of a single-storey side extension in order to facilitate a garage, a utility room and a toilet, the size and scale of these proposals would be acceptable. These aspects of the proposal to the rear

of the dwelling, would not be visible from the highway and as such cannot impact the character of the area.

- 7.7 Overall, the alterations are not considered to give rise to any level of harm to the character of the area. The application site is not in a prominent location on the street and the proposed works are not of an extent that would alter the design of the original dwelling sufficiently to impact the street scene negatively. Whilst it is accepted that visually the resultant building would stand out within the street scene, this visual change is not (of itself) considered to be harmful. The dwelling would, in the view of the Officers, enhance the street scene, adding interest, and raising the standard of design within the estate. The dwelling would appear essentially as a modernised property within the established layout. As identified above, this is considered to be somewhat positive. If the contra view were to be adopted, it is considered that as the scale and general form of the dwelling would not be significantly altered, in combination with its position in the street scene, any harm would be minor in nature and would not be sufficient so as to warrant refusal of the scheme.
- 7.8 The outbuilding garage to the rear of the garden would not be visible from the public domain thereby making no impact upon the street scene. Its scale and design would be in-keeping with the proposed appearance and form of the bungalow. The level of development would not constitute an overdevelopment of the site and therefore this aspect of the development is acceptable.
- 7.9 The proposals would therefore be in general accordance with the aims of policies 2 & 3 of the SELLP, and paras 130/131 of the NPPF.

Impact on neighbour's amenity

- 7.10 SELLP Policy 2 states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met. These include impact on the amenity of the site itself and neighbouring sites as well as the impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion.
- 7.11 SELLP Policy 3 states that development proposals will demonstrate how residential amenity will be secured.
- 7.12 The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.13 The proposed alterations to the dwellinghouse itself involve works which are limited in overall scale and with the property being a bungalow these works are single storey in nature and would not amount to development that would give rise to overlooking, overbearing impact, or a loss of light for neighbouring properties.
- 7.14 With respect to the erection of the garage outbuilding to the rear, 4no public objections have been registered highlighting concerns regarding the outbuilding garage's impact upon amenity in terms of its use and outlook for neighbouring properties. The structure would be located within close proximity to the rear boundary of the garden which is shared with a property on Allington Gardens.
- 7.15 It is important to consider the 'fallback' position as a material consideration. It is possible under 'permitted development' to erect structures within rear gardens of

existing dwellings that can then be used for purposes incidental to the enjoyment of the dwelling (such as a garage, games room, workshop, or incidental accommodation) without the need for planning permission. This 'fallback position' is a significant material consideration when considering the concerns raised in respect of the impact of the building and also the concerns regarding its proposed and future use. Under such permitted development rights (Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015), an outbuilding of this footprint, in this location (within 2 metres of the boundary) could be constructed without planning permission provided its total height does not exceed 2.5 metres. The proposed structure exhibits a pitched roof which reaches a total height of 4.2 metres and a height to eaves of 2.375 metres. The difference between the proposed works and what could be permitted under permitted development rights that must now be examined and whether this difference amounts to a negative impact upon neighbouring properties in terms of amenity.

- 7.16 Although the building would be located in close proximity to the common boundary between properties, there is a considerable distance between the north elevation of the rear neighbouring property and the south elevation of the proposed outbuilding. The sloping nature of the pitched roof, and the orientation of the gardens in question (the application property has a south facing garden and the neighbouring property has a north facing garden), the proposal is not considered give rise to a negative impact with regard to any potential loss of light or overbearing impact. Combined with the fact that the proposed outbuilding is ground floor in nature, and there are no windows within the southern elevation, there are no issues regarding loss of privacy. It is accepted that the building would change the outlook from the garden and rear facing windows of the neighbouring property, however, there is no right to a view in planning-terms and in any event, it is considered that the elements of the building which would be visible from those areas (above the common boundary treatment) would not be detrimental in terms of amenity.
- 7.17 Concerns have been raised regarding the use of the outbuilding as a garage and the possibility that it could be used for the repair of motorcycles which could lead to an unwanted level of noise on the locality. Whilst there is no evidence to suggest that the building would be used for the repair of motorcycles, if the concern is that the outbuilding would be used in a commercial manner, the proposed works can be conditioned so that the outbuilding can only be used in conjunction with the dwelling and not for any trade or business purposes. Furthermore, it is not uncommon for individuals to have domestic outbuildings within their gardens wherein such activities could occur. Again, the 'fallback position' referred to above must be considered. If, on the other hand, the outbuilding was to be used in the manner anticipated by residents and were to cause a nuisance, there are ample controls under EH legislation which would allow for the investigation, resolution and regulation of such impacts if it can be demonstrated that there is an adverse impact. Therefore, as there are appropriate controls within other legislation, this is not a matter which planning should seek to restrict.
- 7.18 The proposed works are therefore considered to be in accordance with SELLP Policy 2 and Policy 3 and as result are acceptable in amenity terms.

Flood Risk

- 7.19 SELLP Policy 4 states that a proposed development within an area at risk of flooding (Flood Zones 2 and 3) will be permitted where it can be demonstrated that

there are no other sites available at a lower risk of flooding (through passing the sequential test), the proposed works are essential infrastructure, appropriate flood mitigation measures have been put in place. Development within all flood zones (and development over 1 hectare in size in Flood Zone 1) will need to demonstrate that surface water from the development can be managed and will not increase the risk of flooding to third parties.

- 7.20 The application site is located within Flood Zone 3 and as such is required to be constructed in accordance with the Environment Agency's standing advice. A statement has been submitted alongside the application stating that floor levels in the proposed works will be no lower than that of the existing dwelling.
- 7.21 The application proposes a very minimal increase in built footprint within the curtilage of the dwelling and it is considered unlikely that the scale of the proposed development would result in a material increase in surface water run-off. In any event the applicant proposes to incorporate appropriate measures proportional to the scale of the development. As such it is considered the proposed works set out in this application are in accordance with relevant policy and are therefore acceptable in terms of flood risk.

8.0 Summary and Conclusion

- 8.1 For the reasons set out in this report, it is considered that the proposals would be acceptable in relation to the character and appearance of the area and with regard to its impact upon the amenities of neighbouring properties. As such, the development is in accordance with policies 2 & 3 of the SELLP and there are no material considerations which would outweigh this. The application is therefore recommended for conditional approval of planning permission.

9.0 Recommendation

- 9.1 GRANT Planning Permission subject to the following condition(s) and reason:-

CONDITIONS AND INFORMATIVES

- 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 not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

- Location Plan – Drawing No. 3316-008 – Uploaded 19/07/2019
- Proposed Garage Elevations, Section, Floor & Block Plan – Drawing No. 3316-007 – Uploaded 11/07/2019
- Proposed Section & Floor Plan – Drawing No. 3316-005 – Uploaded 11/07/2019
- Proposed Elevations and Block Plan – Drawing No. 3316-004 – Uploaded 11/07/2019
- Proposed 3D Views – Drawing No. 3316-003 – Uploaded 11/07/2019
- Proposed Elevations, Sections and Block Plan – Drawing No. 3316-002 – Uploaded 11/07/2019

- Proposed Rev A Garage Elevations, Section, Floor & Block Plan – Drawing No. 3316-006 – Uploaded 19/07/2019

Reason - To ensure the development is undertaken in accordance with the approved details, in the interest of residential amenity and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

- 3 The outbuilding hereby permitted shall only be used for purposes incidental to the enjoyment of the dwellinghouse as shown on the approved plans, and shall not be used for any trade, business, or commercial purposes whatsoever.

Reason: In the interests of the protection of the amenities of neighbouring properties and to prevent the introduction of a non-domestic use of the building in this location, and to comply with policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

INFORMATIVES

In determining this application the Local Planning Authority has taken account of the guidance in Paragraph 38 of the National Planning Policy Framework 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Where Surface Water is to be directed into a Mains Sewer System the relevant bodies must be contacted to ensure the system has sufficient capacity to accept the additional Surface Water. If there is any change to the surface water or treated water disposal arrangements stated in the application, please contact the Drainage Board.

Mike Gildersleeves
Growth Manager