

Officers Report

Planning Application No: 139436

PROPOSAL: Planning application to vary condition 3 of planning permission 137810 granted 26 July 2018 - materials condition

LOCATION: 4 Churchill Way Lea Gainsborough DN21 5HT

WARD: Lea

WARD MEMBER: Cllr Mrs J Milne

APPLICANT NAME: Mr Trevor Young

TARGET DECISION DATE: 29/07/2019

DEVELOPMENT TYPE: Householder Development

CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

This application has been referred to the Committee as the applicant is an elected Councillor, for Gainsborough South-West Ward.

The application site is occupied by a detached 'dormer' type dwelling which is set back from the highway, located within the settlement of Lea. The dwelling has modest size gardens to the front and rear. Churchill Way is made up of large detached properties all of a similar style. Neighbouring land uses are residential on all sides. The site lies within an Area of Great Landscape Value.

The site has permission to erect a first floor extension which will infill a space above the existing double garage. The extension will add a new bedroom and an en-suite to the application dwelling, there will also be a new dormer window to the front and a roof light to the rear. There will be a small window in the side elevation.

This application (139436) seeks to vary condition 3 (matching materials condition) of planning permission 137810.

3. The materials shall match the existing building in colour and appearance.

Reason: *In the interests of the character and appearance of this Area of Great Landscape Value. In accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.*

This permission proposed that the materials to be used in the extension would match the existing dwelling. It is now proposed to use 'Marley' Duo Modern interlocking concrete roof tile in a smooth grey colour.

Relevant history:

137810- Planning application for first floor extension over existing double garage. Granted 26 July 2018.

W57/607/81-Extension to dwelling-Granted 30 July 1981

Representations:

Chairman/Ward member(s): No representations received to date.

Lea Parish Council: No representations received to date.

Local residents: No representations received to date.

IDOX Checked 13 June 2019.

Relevant Planning Policies:

Planning law¹ requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan in this location comprises the Central Lincolnshire Local Plan (April 2017) and the Lea Neighbourhood Development Plan 2017.

Central Lincolnshire Local Plan

LP1: A Presumption in Favour of Sustainable Development

LP17: Landscape, Townscape and Views

LP26: Design and Amenity

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planningpolicy/central-lincolnshire-local-plan/>

With consideration to paragraph 213 of the National Planning Policy Framework (February 2019) the above policies are consistent with the NPPF (February 2019).

Lea Neighbourhood Development Plan 2017

Policy 4 Design and Character

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/lea-neighbourhood-plan-made/>

National Guidance

National Planning Policy Framework

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National Planning Practice Guidance

<https://www.gov.uk/government/collections/planning-practice-guidance>

¹ [Section 38\(6\)](#) of the Planning and Compulsory Purchase Act 2004 and [section 70\(2\)](#) of the Town and Country Planning Act 1990

Main issues

- Principle
- Visual Amenity

Assessment:

Principle of Development

The principle of development has been established by the grant of planning permission 137810 on the 26 July 2018.

- Under s73(2) of the Town & Country Planning Act 1990, the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—
- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

Visual Amenity

Policy 4: Design and Character of the Lea Neighbourhood Development Plan states that '*all developments must deliver good quality design*' and sets out a number of design principles for the area. Criterion b) sets out that development should '*recognise and reinforce the district local character in relation to scale, mass, form, character, density, landscape setting and materials*'. In assessing compliance with the policy principles, it is necessary to view the Lea Character and Settlement Breaks Assessment, commissioned as part of the neighbourhood plan, which sets out the notable features of each area. The application site is located within the '1970s/1980s' character area and concrete tiles are a feature within this estate. There is a variation in the colour of concrete tiles used within the area and similar concrete tiles to those proposed in this application are noted within the vicinity of the site.

It is considered that the proposed 'Marley' smooth grey concrete interlocking tile would be seen as a contrast against the host dwelling, however the extension would be viewed as a secondary, subservient element to the main dwelling given that the ridge height of the extension is set down from the main ridge of the dwelling.

Weight should be given to the consideration that the existing roof covering of the dwelling could be changed to the 'Marley' smooth grey concrete interlocking tiles under Class C of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, which allows for roof alterations without requiring the Local Planning Authority's permission. Consequently, the applicant could, without requiring the Local Planning Authority's permission, change to the 'Marley' smooth grey concrete interlocking tile in any event at a later date.

As a result of this “fallback” it is not considered reasonable to withhold permission on such grounds.

It is therefore considered that the new roof tile would not have a harmful impact on the street scene or the wider Area of Great Landscape Value.

Conclusions:

The application has been considered against the policies LP1: A presumption in favour of Sustainable Development, LP17 Landscape, Townscape and Views and LP26 Design and Amenity of the Central Lincolnshire Local Plan and Policy 4: Design and Character of the Lea Neighbourhood Development Plan in the first instance and guidance contained within the National Planning Practice Guidance. In light of this assessment it is considered that the change in the roofing material would not harm the character and appearance of the street scene or the area of great landscape value and would not have a significant harmful impact on the living conditions of neighbouring occupiers.

It is therefore recommended that condition 3 is now varied as follows:

3. The roof tile to be used in the development shall be ‘Marley’ Duo Modern Interlocking concrete tile in ‘smooth grey’.

Reason: *To ensure the use of appropriate materials to accord with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.*

Recommendation

It is recommended that the application be delegated back to Officers, to determine the application in accordance with the given resolution, having considered any further representations received ahead of the expiry of the publicity period (8 July 2019). Should any new material considerations arise within the intervening period that have not previously been considered, then the application may be referred back to the Committee for further consideration.

RECOMMENDATION: Grant permission subject to conditions

Conditions stating the time by which the development must be commenced:

1. The development hereby permitted shall be begun before the date of the 26 July 2021, as specified in planning permission 137810.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

None.

Conditions which apply or are to be observed during the course of the development:

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawing: TY/18/02 First Floor Extension Dated May 2018. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

3. The roof tile to be used in the development shall be 'Marley' Duo Modern Interlocking concrete tile in 'smooth grey'.

Reason: To ensure the use of appropriate materials to accord with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

Conditions which apply or relate to matters which are to be observed following completion of the development:

None.

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report