

# Officer's Report

## Planning Application No: 140997

**PROPOSAL:** Planning application to erect extension(s) to existing dwelling

**LOCATION:** Clinton Villa Owersby Bridge Road Kirkby Cum Osgodby Market Rasen LN8 3PE

**WARD:** Market Rasen

**WARD MEMBER(S):** Cllr JC McNeill, Cllr Bunney and Cllr Mrs CE McCartney

**APPLICANT NAME:** Mr and Mrs Hodges

**TARGET DECISION DATE:** 07/07/2020

**DEVELOPMENT TYPE:** Householder Development

**CASE OFFICER:** Joanne Sizer

**RECOMMENDED DECISION:** Grant permission subject to conditions.

### Description:

The application site is located on the northern edge of Kirkby village. It hosts a detached bungalow and garage set within a generous garden and allows for off road parking provision. Boundary treatments consist of a wall with railings and gate to the front eastern aspect, an open boundary to the north and a row of substantial conifer trees to the west. The south boundary consists of an approximate 1.8 metre close boarded fence to the front aspect and informal planting to the garden area section of the site. Other residential properties (bungalows) sit to the south while a Grade II listed building is located to the South West (Kirk House). Open countryside sits to all other aspects.

This application seeks permission to erect extensions to the rear and south side of the dwelling and includes the removal of the existing detached garage. The proposals have been amended and relate to details submitted on 06<sup>th</sup> October 2020. The application is referred to planning committee for determination due to material considerations relating to impact upon residential amenity being considered as finely balanced.

### Relevant history:

CR/30/52 – Erect bungalow – Outline Consent granted  
CR/64/52 – Erect Bungalow – Planning Permission Granted  
96/P/0465 – Erect detached double garage – Granted Conditionally 08/96  
M04/P/0645 – Erect single storey rear extension, bay window and chimney stack – Granted Conditionally 07/20004

### Representations:

Chairman/Ward member(s):	None received
Osgodby Parish Council	13/10/20 – My council has no comment on the proposed amendment. 18/05/20 - My Council has the following no objections to make on the proposal
Local residents:	1 The Old Smithy – 21/10/20 and 26/10/20 – Concerns relating to

amenity and Character which are summarised below:

- Windows on the south elevation will overlook my home and my neighbours.
- The workshop being provided is substantial in size and raises concerns about what it will be used for and the potential for noise that could be generated. The noise generated from this room due to its close proximity to the boundary and windows serving it will impact upon living conditions and amenity.
- The rear extension running along the south side elevation will extend 1.2 metres higher than the fence and therefore dominate the view out of mine and my neighbours gardens; having a harmful impact.
- Based on the Heritage officers previous comments a heritage statement should be required to assess the impact on the listed buildings.
- While the extension has been reduced in size the overall design is still at odds with the character of the village. The mix of materials will make it more visible and have a harmful effect on the rural setting and character of the village.

Previous comments received – 03/06/20 - 19/06/20 raised concerns and objections relating to residential and visual amenity and summarised below:

- Extension built up to the boundary and visible above the boundary fence.
- It will dominate the view over our gardens and from inside our homes and impact upon our living conditions.
- The extension will also result in loss of light.
- The six roof lights on the south elevation and proposed balcony will cause overlooking to our garden areas and homes.
- The extension is at odds with the form and design of the existing bungalow and character of the area.
- The increase in the size of the dwelling will make it more prominent from the north as with the white finish render. This will be harmful to the rural setting and approach to the village.
- The application does not comply with Local Plan Policies as the height, scale and massing is at odds with the character of the village. It does not therefore improve or enhance the setting of the village.

2 The Old Smithy - 02/11/20 raises concerns in relation to character and amenity. These are summarised below:

- The three windows on the south elevation will be above the boundary fence and result in overlooking.
- The top of the flat roof extension is 1.2 metres above the

	<p>current fence on the southern boundary and will impact upon the view from my garden and from the front door in a detrimental way.</p> <ul style="list-style-type: none"> <li>• The workshop being provided is substantial in size and raises concerns about what it will be used for and the potential for noise that could be generated. The noise generated from this room due to its close proximity to the boundary and windows serving it will impact upon living conditions and amenity. The use of a planning condition to control its use and the ability to open the windows?</li> <li>• The proposals as a whole will have a negative impact upon my living conditions.</li> </ul> <p>Previous comments made on 18/06/20 raised concerns in relation to the accuracy of the Parish Council response and objections in relation to design character and appearance of materials. They are summarised below:</p> <ul style="list-style-type: none"> <li>• The response from the parish council is not correct in saying they have no objections and it is more accurate to say that due to the current circumstances no opinion was received.</li> <li>• The development does not comply with Local Plan or Neighbourhood Plan Policy in relation to Scale/Height. It is out of character to the dwellings to the roadside dwellings on the northern edge of the village.</li> <li>• The materials do not match the character of the nearby dwellings which are all brick built with smallish windows.</li> <li>• The location, scale and form of the extension will be overbearing and have an oppressive impact.</li> <li>• The extension would have an impact on important views into the village and of nearby listed buildings.</li> <li>• The solar panels would have an impact upon residential amenity through visual appearance and reflection.</li> <li>• The extension would lead to loss of light</li> <li>• The noise from the use of the garage element of the extension is concerning.</li> <li>• Overlooking and loss of privacy from the skylights.</li> </ul>
LCC Highways/Lead Local Flood Authority:	12/10/20 – I confirm that our comments remain the same. 29/05/20 – Does not wish to restrict the grant of planning permission.
Archaeology:	None received.
Conservation Officer:	22/11/20 - Thank you for the consultation on proposals to extend Clinton Villa. I am pleased to note that much of much of my original advice has been utilised to ensure that the setting of Kirk House and the parish church, and how these settings are experienced, will not be harmed as a result of the revised proposals.

	22/06/20 - Thanks for consulting me on the above application. I visited the site and its environs to consider the possible impact on the setting of Kirk House (grade II listed) and the Church of St. Andrew. I would advise that there would be a harmful impact on the setting of Kirk House, not only as seen from the road. Also, I believe there would be a harmful impact from views out of Kirk House and its garden and how this is experienced, from the proposed development. No heritage statement has been supplied with this application. Also, there are glimpsed views of the church tower seen from the drive entrance of Clinton Villa which may also be impacted by the proposal.
Comments from the applicant:	<p>Receive on 09/11/20 and summarised below:</p> <ul style="list-style-type: none"> <li>• The windows on the South elevation will be frosted.</li> <li>• The height of the extension bordering the south elevation is lower than the existing garage roof and will improve views.</li> <li>• The workshop is for domestic/hobby use and is in a similar position to the existing garage. It will be double skin with insulation which is not the case of the existing garage which also has large open garage doors.</li> </ul>
IDOX:	Checked 20/11/2020

<b>Relevant Planning Policies:</b>	
National guidance	<p>National Planning Policy Framework National Planning Practice Guidance</p> <p><a href="https://www.gov.uk/government/publications/national-planning-policy-framework--2">https://www.gov.uk/government/publications/national-planning-policy-framework--2</a></p>
Local Guidance	<p>Central Lincolnshire Local Plan ( 2012 -2036):</p> <p>LP1: A Presumption in Favour of Sustainable Development LP17: Landscape, Townscape and Views LP25: The Historic Environment LP26: Design and Amenity</p> <p><a href="https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/">https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/</a></p>
Neighbourhood Plan:	<p>Osgodby Neighbourhood Plan</p> <p>Policy 4 Design and Character of Development</p> <p>Osgodby Character Appraisal: Kirkby Village 1980-present: Some Houses, some bungalows, some detached, some semi-detached, all brick built, roofed with concrete tiles. All set back from the roadway with gardens and driveways for off road parking; windows and doors mostly upvc.</p> <p><a href="https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-">https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-</a></p>

**POLICY LP17 and LP26 of the CLLP and Policy 4 of the Osgodby Neighbourhood Plan**

*Is the proposal well designed in relation to its siting, height, scale, massing and form? Do they relate to neighbouring buildings and character and appearance of the village as a whole? Does the proposal respect the existing topography, character of the street scene and local distinctiveness of the surrounding village? Are boundaries and boundary treatments appropriate to the character of the village? Does the proposal harm any important local views into, out of or through the site, the village and wider landscape? Does the proposal use appropriate materials which reinforce or enhance local distinctiveness? Do the walls and roofs reflect the locality?*

The Kirkby section of the Neighbourhood Plan Character appraisal states that the village is formed of Some Houses, some bungalows, some detached, some semi-detached, all brick built, roofed with concrete tiles. All set back from the roadway with gardens and driveways for off road parking; windows and doors mostly upvc.

Concerns have been raised in terms of the design of the extension(s) and materials proposed not being in-keeping with the character of the village. This is not however considered the case when looking at the how the extension will be viewed alongside the existing bungalow and within the wider context forming the character of the area.

The proposed extension(s), as amended, are of a height and scale which reflects that of the existing bungalow when being visually read within the streetscene and alongside the neighbouring properties. Its form and design consists of gable roofed elements which reflects that of the existing bungalow, while the flat roof element which can be seen within the streetscene and from wider views, is proportionate to the existing dwelling. It is noted in this regard that the flat roof element of the proposals do form a large proportion of the extension(s) proposed. However, a majority of this is to the rear of the property and will only be visible from within the rear garden; not therefore impacting upon the character of the property and setting of the village when being viewed from the countryside to the North. The flat roof extension has also been designed this way to ensure that the proposals do not impact upon the setting of the nearby listed buildings.

In terms of materials the proposed development uses a mixture of brick, glass, coloured render and timber cladding; some of which are not seen in the current dwelling or the bungalows sitting directly alongside it. The listed building located to the South West does however have a painted finish and the materials chosen for the scheme do remove the risk of mismatched brickwork, which can often result from not finding an exact brick match and weathering. No specific details are however known in terms of the final materials and a condition to secure them is therefore proposed. With the use of such a condition the chosen materials could be controlled and not be significantly out of character or harmful to it.

In terms of the whole development, consideration must also be given to permitted development rights and what alterations, extensions and outbuildings could be carried out/erected without the need for planning permission. The same principle applies for boundary treatments; with the ability for a two metre fence to be erected around the side and rear boundaries, and offering screening of the site from the wider area.

The development, in line with the above assessment is therefore considered to be of a size, scale and design which is respectful to the character of the dwelling, to that of the area and village, and would not be harmful to the setting of it. The development is therefore considered to be in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan and Policy 4 of the Neighbourhood Plan.

*Does the proposal adversely impact any existing natural or historic features? Are trees, hedgerows and verges maintained and landscaping formed of native specimens?*

No. The proposals do not adversely impact upon any natural features within the site or impact upon any trees, hedgerows or verges.

*Does the proposal adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance?*

Concerns have been raised by the occupiers of the two neighbouring bungalows located to the south of the site. Their concerns relate to the visibility/presence of the extension and its impact upon views and living conditions from their home and garden. Resultant overlooking from windows along the south elevation and noise impacts relating to the use of the garage/workshop proposed due to its size, proximity to the boundary and provision of windows facing in their direction.

In terms of visual presence it is important to note that the extent of the neighbouring properties gardens which stops in line with the central outbuilding located in the garden area of No 1 The Smithy. The extension therefore runs down the entire garden boundary of No 2 The Smithy. The proposed extension also results in the dwelling being brought closer to this boundary and set at a distance between 1.45 and 1.9 meters away. The pitched roof element forming the front/side elevations of Clinton Villa will sit in line with the side elevation of No 2 The Smithy and will be visible from the garden area between the house and their shed/garage. This element of the proposed extension measures approximately 4.1 metres in height and then slopes down to an eaves height of approximately 2.5 metres. The flat roof extension then runs into the rear garden at a height of approximately 3 metres for a length of 13.5 metres. All aspects of the side extension will therefore be visible above the separating boundary treatment from the garden areas of No's 1 and 2 The Smithy and will result in a visual change to their outlook. It is nevertheless noted in this respect that the proposals will result in the existing detached garage sitting approximately 2.3-2.5 metres away from the shared boundary to be demolished. The roof of this garage already has a clear presence within the garden area of No 2, measuring approximately 5.1 metres in height and 2.6 metres to the eaves. Its removal and replacement with a lower structure will therefore result in less of a visual impact than the current situation. The presence of the extension and the impact upon the amenity of the neighbouring property therefore relates to the pitched roof element which will be seen between the dwelling of No1 the Smithy and the garage in its garden area. In this regard consideration has to be given to permitted development and the fact that a side extension can be erected up to half the width of the original dwelling, up to 4 metres in height, with an eaves height of 3 metres without needing planning permission. Therefore, although this proposal is not permitted development, a similar extension could be built without the need for planning permission, and weight afforded to this position. It is consequently concluded overall that although the proposed extension does alter the visual outlook from the garden areas of the neighbouring properties, the impact is not unduly harmful.

In relation to impacts from overlooking and loss of privacy through the 3 windows on the

south side elevation, it is noted that the top of these windows are above the height of the existing 1.8 metre boundary treatment but some are positioned adjacent to the garage in No 1 The Smithy's garden. Consequently, the views afforded into the neighbouring properties would be very limited and the windows also only serve secondary living accommodation (garage and workshop). It is therefore concluded that the provision of these windows will not be unduly harmful through loss of privacy and it is not considered reasonable or necessary to use a condition to ensure they are obscurely glazed, as offered by the applicant.

Further objections and concerns have been raised in relation to these windows and the size, proximity and use of the garage for commercial purposes and the potential for noise nuisance arising from it. The applicant has confirmed that the garage is to be used incidentally to the host dwelling, as the existing one is. The size and location of the garage/workshop is also not considered to be too dissimilar to that existing or out of character for domestic purposes. As such a condition to secure its domestic use is not considered necessary, with planning permission being required should certain business uses be proposed or implemented in the future.

The proposals overall are therefore noted to result in some changes between the properties and the relationship they currently share. The impacts from these changes are however not considered to be unduly harmful to the living conditions of the occupiers of the neighbouring properties and the proposals therefore in accordance with LP26 of the Central Lincolnshire Local Plan.

**Policy LP25: The Historic Environment (CLLP) and Policy 4 of the Neighbourhood Plan**

The application site sits within the setting of Kirk House a grade II listed building and glimpses of the Church can also be seen from the site.

*Policy LP25 states that Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. It guides that development proposals that affect the significance of a heritage assets including its setting should undertake a proportionate assessment of significance and impacts. The Policy sets out that Development proposals will be supported where they Protect the significance of designated heritage assets (including their setting) by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, materials, siting, layout, mass, use, and views and vistas both from and towards the asset; Promote opportunities to better reveal significance of heritage assets, where possible; Take into account the desirability of sustaining and enhancing non-designated heritage assets and their setting.*

*Policy 4 states that the way in which development impacts on designated and non-designated heritage assets should be considered.*

The proposals as originally submitted raised concerns with the conservation officer who based on these proposals requested an assessment of significance to be undertaken to inform the assessment of significance and impact. Comments from a neighbouring occupier have also raised the lack of information in this regard.

The proposals have however now been amended to remove the extended element which encroached onto the setting of Kirk House and considered to be harmful to its

significance. The proposals in fact have been designed to protect the setting of the listed buildings through the provision of the flat roof element. The size, scale and design of the proposals are now considered to preserve views towards and from the listed buildings and the significance of them protected through appropriate setting. The conservation officer has not raised any concerns with the amended proposals nor the need for further information to be submitted. The proposals are therefore considered to be in accordance with LP25 of the Central Lincolnshire Local Plan and Policy 4 of the Neighbourhood Plan.

**Other considerations:**

Does the proposal enable an adequate amount of private garden space to remain?

Yes.

Does the proposal enable an adequate level of off street parking to remain?

Yes.

**Conclusion and reasons for decision:**

The proposal has been assessed against policies LP1, LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036 as well as Policy 4 of the Neighbourhood Plan and all other material consideration including guidance within the NPPF. As a result of this assessment the proposed extension(s) are considered acceptable in Design and Amenity terms and preserves the setting of the nearby listed building. Consequently grant of permission recommended subject to the following conditions:

**Proposed Conditions:**

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

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

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 drawings: E0324-01, E0324-02, E0324-03, E0324-04, E0324-05, E0324-06 and E0324-07 received October 2020. 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 Policy LP1, P17, LP25 and LP26 of the Central Lincolnshire Local Plan



2012-2036 as well as Policy 4 of the Neighbourhood Plan.

3. No development other than the laying of the foundations shall take place until details of all external and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the agreed materials.

Reason: To safeguard the character of the area and setting of the nearby listed building in accordance with Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan and Policy 4 of the Neighbourhood 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.