

Officer's Report

Planning Application No: 142495

PROPOSAL: Planning application for ground floor extension to form garage, together with first floor extension above.

LOCATION: 43 Pingle Close Gainsborough Lincolnshire DN21 1XR

WARD: Gainsborough East

WARD MEMBER(S): Cllrs D Dobbie, T Davies and M Devine.

APPLICANT NAME: Mr and Mrs Redwood

TARGET DECISION DATE: 31/05/2021 (Extension of Time Agreed)

DEVELOPMENT TYPE: Householder Development

CASE OFFICER: Mike Halsall

RECOMMENDED DECISION: Refuse permission.

Description:

The application is presented to the planning committee as one of the applicants is a member of staff within the council.

The application site consists of a detached two storey 'L' shaped dwelling located on Pingle Close, within the defined settlement of Gainsborough. The site is adjoined by residential properties to the east and south. The highway adjoins the south eastern site boundary with additional residential properties beyond. There are fences to the rear and side boundaries with a Public Right of Way running parallel with the northern site boundary, beyond which are industrial buildings. The street is characterised by similar style detached two-storey dwellings with bungalows further to the east. The site lies within a minerals safeguarding area.

The application seeks planning permission for a first floor extension over an existing single storey side projection (previously a garage, converted to living accommodation) and a two-storey side extension attached to the new proposed two storey side projection.

The first floor extension would continue the ridge line of the main dwelling, whereas the two-storey extension would sit approximately 1m lower, at approximately 6m in height, and would include a front dormer window. The two storey side extension would sit approximately 1.4m forward of the existing side projection due to a manhole located to the north east of the existing dwelling.

The proposal has been formally revised twice by the applicants since submission, following discussions with the Case Officer, and full consultation has taken place on all three sets of drawings. The evolution of the proposed drawings is explained in more detail later in this report when discussing residential amenity.

Relevant history:

M02/P/1138 – Erect 11 dwellings. (granted outline planning permission, application

number M00/P/558) – Reserved Matters Consent – Approved February 2003
M00/P/0558 – Application for residential development – Outline Planning Permission
Approved July 2001

Representations:	
Chairman/Ward member(s):	No representations received to date.
Gainsborough Town Council:	Responded to state they have no comments to make in relation to this application.
Local residents:	<p>41 Pingle Close – responded to the consultation on the second set of drawings, as follows:</p> <p><i>“As the neighbouring property to the proposal, we wish to support the application. We do not feel it will adversely impact our property and will not encroach on any views we have.”</i></p> <p>Responded to the current (third) set of drawings, as follows:</p> <p><i>“I have reviewed the latest updates to the application and would still like to express my support. We do not feel as though the plans will impact our property, and we are happy that our garden will remain private as it currently is.”</i></p>
LCC Highways:	Have responded with no objection to the proposed development.
Archaeology:	No representations received to date.
IDOX:	Checked 12/05/2021

Relevant Planning Policies:	
National guidance	<p>National Planning Policy Framework https://www.gov.uk/government/publications/national-planningpolicy-framework--2</p> <p>National Planning Practice Guidance https://www.gov.uk/government/collections/planning-practice-guidance</p>
Local Guidance	<p><u>Central Lincolnshire Local Plan (2012 -2036):</u> LP1: A Presumption in Favour of Sustainable Development LP17: Landscape, Townscape and Views LP26: Design and Amenity https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/</p> <p><i>With consideration to paragraph 213 of the National Planning Policy Framework (February 2019) the above policies are consistent with the NPPF (February 2019).</i></p> <p><u>Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) 2016</u> Policy M11 Safeguarding of Mineral Resources. https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-</p>

	waste/minerals-and-waste/88170.article
Neighbourhood Plan:	<p>On 6 May 2021 the referendum on the Gainsborough Neighbourhood Plan (GNP) was held. Residents voted in favour of West Lindsey District Council using the neighbourhood plan to help it determine planning applications in Gainsborough. As it has been successful at referendum the Gainsborough Town Neighbourhood Plan should now be given full weight in such decision making.</p> <p>https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/gainsborough-town-neighbourhood-plan/</p> <p>Relevant policies of the GNP are: NPP1: Sustainable Development NPP6: Ensuring High Quality Design NPP7: Ensuring High Quality Design in each Character Area</p>

Main Issues <ul style="list-style-type: none"> • Design • Residential Amenity • Other Considerations 	
<p><u>Design</u></p> <p>Policy LP17 of the Central Lincolnshire Local Plan (CLLP) seeks to protect and enhance the intrinsic value of our landscape and townscape. The National Planning Policy Framework (NPPF) in Chapter 12. Achieving Well-designed Places states that the “<i>creation of high quality buildings and places is fundamental to what the planning and development process should achieve</i>”. Paragraph 127 goes on to state that planning decisions should ensure that developments are visually attractive as a result of good architecture.</p> <p>Policy NPP6 of the GNP outlines, amongst other things, that development proposals should respond to the local character of both the surrounding area and the immediate neighbouring properties. Policy NPP7 of the GNP identifies that; as appropriate to their scale and nature, development proposals should be designed to take account of the Character Area within which they are located. The application site is located within the TCA03 Middlefield Character Area within the GNP which outlines that development proposals should maintain the loose urban grain and existing range of built form including short terraces, detached and semi-detached houses and bungalows; and maintain the high proportion of two–storey, brick buildings seen through the TCA.</p> <p>The existing dwelling is a two storey family home and sits within a reasonably sized plot. This end of Pingle Close is characterised by similarly sized two storey dwellings, with bungalows further along the road to the east. The proposed extension would be visible in the streetscene, albeit not highly prominent as it is somewhat tucked in the corner at the end of the Close. Whilst the two storey side extension would sit slightly forward of the existing side projection, as this is an L shaped dwelling, it would not unbalance the property. The proposed extension would be read as subservient to the existing dwelling and would not dominate nor change the nature of the host property or harm the character of the area. The proposed externally facing materials would match those of the existing dwelling. It is considered therefore that the proposal complies with policy LP17 of the</p>	

CLLP and policies NPP6 and NPP7 of the Gainsborough Neighbourhood Plan with regards to its design.

Residential Amenity

Local Plan Policy LP26 states that planning permission will be granted for new development provided the proposal will not adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance.

Policy NPP6 of the GNP outlines, amongst other things, that development proposals should demonstrate sensitive positioning within plots and be of such scale and form as to not dominate neighbouring properties or the streetscape.

Given the orientation of the site and positioning of the proposed extension the only potential residential amenity impacts are in relation to the property to the east, no.41 Pingle Close. Site visits were undertaken on 18th March and 29th April where the potential impacts were observed from outside of the dwelling.

Overlooking

There are no side windows proposed in the end elevation that would face no.41 Pingle Close and so there would be no amenity issues from overlooking as a result of the proposed development.

Loss of Light, Overshadowing and Dominance

Evolution of the proposal

Concern was expressed early in the assessment process by the Case Officer, that the proposed two storey side extension would impact the neighbour as it was too large and located too close to the rear garden of no.41 Pingle Close. It was requested that the distance between the proposed side elevation and the shared boundary with no.41 be increased from 1.2m to 2m and the roof changed to a pitched or hipped design in order to lessen the impacts from loss of light, overshadowing and dominance on the neighbouring property. The applicant subsequently agreed to increase the separation distance to 2m but did not consider it necessary to change the roof of the extension both in terms of the associated impacts and due to the loss of proposed extra living space. As such, revised drawings and a sunlight/overshadowing assessment were submitted by the applicant that solely showed an increase in interface distance. Consultation letters were sent by the Council seeking views on the proposed revised drawing and the sunlight/overshadowing assessment. The occupant/s of no.41 subsequently submitted a representation in support of the proposal, as detailed earlier within this report.

Further revised drawings were later submitted by the applicant which represent the current proposal to be considered by the planning committee that move the proposed extension closer to the shared boundary at no.41 Pingle Close, with a separation distance of 1.47m. A revised sunlight/overshadowing assessment was also submitted in support of the proposal and further consultation letters were sent by the Council and is ongoing at the time of writing this report. The occupant/s of no.41 have again submitted a representation in support of the proposal, as detailed earlier within this report. Any further responses received prior to planning committee will be outlined during the committee by the relevant planning officer in attendance.

Assessment

The height of the proposed two storey side extension is approximately 3.7m to eaves and 6m to ridge. The effect of this would be that the occupants of no.41 would have a 6m high blank gable wall located just under 1.5m from the western side of their garden.

The applicants have submitted a sunlight/overshadowing assessment that depicts a simulation of how the existing dwelling of 43 Pingle Close currently casts its shadow, compared to how it would if the proposed extension was built, with a simulation date of 15th July. However, July is when the sun is high in the sky and therefore does not represent the worst case scenario in terms of overshadowing. Best practice outlines that such assessments should be undertaken at the equinox dates of 21st March and 21st September when the sun is lower in the sky and so overshadowing is more prominent.

The above said, the assessment shows that the extended dwelling would begin to cast a shadow in the rear garden of no.41 Pingle Close at around 3pm, which would not occur until 5pm under the current situation. By 5pm almost the entire garden would be cast in a shadow by the proposed extension. This would occur at a time when most people tend to use their gardens after finishing work and is clearly a negative impact upon the amenity of no.41 Pingle Close. In reality, the overshadowing would likely be worse in Spring and Autumn when the sun is lower.

The size of the 6m gable wall and its proximity to the garden of no.41 Pingle Close would also have an overbearing / dominant impact upon the occupiers of the dwelling. It would enclose the western side of their garden and with existing tall trees located on adjoining land to the north and their own house to the south, they would be left with just one 'open' aspect to the east.

Whilst it is noted the occupant/s of no.41 Pingle Close have written in support of the proposal and express their own view that they feel it would not adversely impact their property, which is a material consideration in the determination of the application, the planning system must protect future occupants of buildings, not just current occupants.

Whether the above noted impacts would be sufficient to result in the refusal of the application is a somewhat finely balanced judgement. Weighing in favour of the proposal is the provision of additional living space for the applicants and the support of the occupants of the only dwelling that would be impacted in terms of residential amenity. There is however a question as to whether such additional living accommodation could be located within the applicants' rear garden, to the west, where there would be likely no such impact upon residential amenity.

On balance, due to the loss of light, overshadowing and dominance that would be experienced by the occupiers of no.41 Pingle Close as a result of the proposed extension, it is considered that the proposal would conflict with Policy LP26 of the CLLP and NPP6 of the GNP in relation to amenity.

Other considerations

Minerals

The Lincolnshire Minerals and Waste Local Plan (Core Strategy & Development Management policies) were adopted in June 2016 and form part of the Development

Plan. The application site is within a Mineral Safeguarding Area. The site is not within an allocated Minerals Site or Waste Site/Area. Policy M11 of the Minerals and Waste Local Plan seeks to ensure that developments do not prevent the exploitation of mineral deposits as an economic resource within identified Minerals Safeguarding Areas (MSAs) without adequate justification. Within MSAs proposals for non-minerals development should be accompanied by a Minerals Assessment, unless the development falls within one of the exemptions to the Policy.

In accordance with policy M11, a householder development is exempt from being applied to the policy therefore there is no requirement to supply a minerals assessment or assess the developments impact on mineral resources.

Parking

The proposal includes for a garage and so would not reduce the level of off-street parking provision and is considered acceptable in this regard.

Conclusion and reasons for decision:

The decision has been considered against the policies LP17: Landscape, Townscape and Views and LP26: Design and Amenity of the Central Lincolnshire Local Plan in the first instance and guidance contained within the National Planning Policy Framework, the National Planning Practice Guidance and the new Gainsborough Neighbourhood Plan. In light of this assessment it is considered that due to the loss of light, overshadowing and dominance that would be experienced by the occupiers of no.41 Pingle Close as a result of the proposed extension, the proposal would conflict with policies LP26 of the CLLP and NPP6 of the GNP in relation to harm to residential amenity and is unacceptable.

RECOMMENDATION: Refuse planning permission for the following reason:

The proposed extension would have an unacceptable adverse impact on the amenity of the neighbouring occupiers in terms of loss of light, overshadowing and dominance, contrary to Policy LP26 of the Central Lincolnshire Local Plan 2012 – 2036 and Policy NPP6 of the Gainsborough Neighbourhood Plan.