Officer's Report
Planning Application No: 142948

PROPOSAL: Planning application for rear conservatory and raised terrace, including boundary treatments.

LOCATION: 5 Colins Walk Scotter Gainsborough DN21 3SR
WARD: Scotter and Blyton

TARGET DECISION DATE: 27/08/2021
DEVELOPMENT TYPE: Householder Development
CASE OFFICER: Joanne Sizer

RECOMMENDED DECISION: Grant permission subject to conditions

Description:
The application site is located within a residential area of Scotter and within a sand and gravel minerals safeguarding area. It hosts a semi-detached bungalow and associated garden area, with room for off street parking to the south-west side of the dwelling. The site slopes down from the North West to the South east resulting in the bungalow being set on higher ground than its garden area. A water course runs along the rear garden boundary. Boundary treatments consists mainly of 1.5-1.8 metres high close boarded fencing along both sides of the garden while a 1 metre post and rail fence and planting runs along the rear. The site is surrounded by other residential properties and their garden areas and mainly consist of semi detached bungalows. The dwelling attached to the application site sits to the North east and has the same sloping garden arrangement. This application seeks planning permission to erect a conservatory, raised platform and associated boundary treatments to the rear of the property. The conservatory, raised platform and steps accessing it, as originally applied for, have already been erected, with planning permission being sought retrospectively (s73a of the Planning Act 1990 allows planning permission to be granted to development already carried out). The proposals are subject to amendments to those originally applied for and currently constructed. They relate to details received on 23rd July 2021.

Relevant history:
None for the site or immediate neighbouring properties. The attached neighbouring bungalow has a conservatory and raised platform. Planning permission has not been given for these additions but property sale evidence shows that they have been present on the site for more than 4 years so are now likely to be immune from enforcement action under s171B of the Act.

Representations:	
Chairman/Ward member(s):	None received to date

Parish/Town Council/Meeting:	No comments to make.
Local residents:	4 Colins Walk (owner and Occupier) The owner and occupiers of 4 Colins walk raise objections and concerns regarding the original scheme for the following reasons (summarised): • Built beyond the boundary • Location of the balcony being built up to the boundary and within close proximity to the bedroom window • Overlooking and loss of privacy to garden and bedroom Concerns raised over the revised scheme (summarised): • Overlooking and loss of privacy will still not be avoided as the person standing on the platform will still have uninterrupted views of the back garden of No 4. • Quality of life will be harmed through constant overlooking. • The proposed screen will look unsightly from the back garden and overshadow the garden area within the immediate area. • Outlook out of bedroom window will be adversely affected. • The boundary wall encroaches onto my property. • The new proposals will support more people on the balcony with views into the bedroom still being afforded. • The balcony should be reduced in size and away from the boundary wall. • Report submitted in relation to boundary dispute (23/08/21)
LCC Highways/Lead Local Flood Authority:	Does not wish to restrict the grant of planning permission for this proposal the access and parking arrangements remain unchanged, therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety
Archaeology:	None received to date.
IDOX:	Checked 23/08/21

Relevant Planning Policies:	
National guidance	National Planning Policy Framework National Planning Practice Guidance
Local Guidance	Central Lincolnshire Local Plan (2012 -2036): LP1: A Presumption in Favour of Sustainable Development LP17: Landscape, Townscape and Views LP26: Design and Amenity The above named Policies are considered to be in accordance with the guidance in the NPPF and in line with paragraph 219 of it, full weight afforded to them in the assessment of this application.
Central Lincolnshire	The consultation on the draft Central Lincolnshire Local Plan

Local Plan 2021 Consultation Draft:	commenced on 30th June and will run until 24th August. Policies of the Draft Plan which are considered relevant to this application are: Policy S1: The Spatial Strategy and Settlement Hierarchy Policy S12: Reducing Energy Consumption in Existing Buildings Policy S52 Design and Amenity In line with paragraph 48 of the NPPF weight may now be given to any relevant policies in the emerging plan according to the criteria set out below: (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) As the draft CLLP is at its first stage of consultation, and the extent to which there may be any unresolved objections is yet to be established, the policies at this time carry very limited weight in the determination of this application.
Neighbourhood Plan:	Scotter Neighbourhood Plan D5 – Design of New Development
Minerals and Waste Core Strategy and Development Management Policies:	Policy M11: Safeguarding of Mineral Resources

Policies: LP17 - Landscape, Townscape and Views and LP26 – Design and Amenity of the Central Lincolnshire Local Plan and Policy D5 - Design of new development of the Scotter Neighbourhood Plan.
Is the proposal well designed in relation to its siting, height, scale, massing and form? Does the proposal respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area? Does it respect its immediate surroundings including adjacent properties? Does it reinforce the distinct local character as detained in the Scotter Character Assessment 2016? (Character Area H)
The existing conservatory and raised platform are located to the rear of the dwelling and due to the land levels of the rear garden are raised to meet the floor area of the bungalow. The amended location of the steps are located close to the base of the conservatory and therefore read within the same context as these elements.

The Conservatory and platform, despite being raised from the garden area are considered to be of a size, scale and design which comfortably relate to the existing bungalow and read as additions to it. The attached neighbouring property also has a similar conservatory with a raised platform set beyond its north east elevation.

The application as amended also proposes the erection of a 1.8 metre obscurely glazed screen located on the side boundary separating the raised platform with No 4. Due to the difference in land levels this screen will be 3 metres high from the base of the raised platform and even higher from the bottom of the garden where the land slopes away further. The existing fence along this boundary however follows the existing land levels and therefore increases in height up towards the property. As such the proposed screen will be seen as a progression of the existing boundary treatment and will be read in connection with the dwelling and as part of the raised platform. The eaves height of the existing conservatory on site and that on the neighbouring properties are also set higher than the proposed screen and project further from the rear elevation of the property than the glazed screen proposed. Consequently the proposed screen will not look like an alien feature which is out of place and not therefore considered to be of a size, scale or design which is significantly out of character with the host property, that attached or those surrounding.

The siting of the whole development is also noted to the rear of the property and consequently it has very little visual impact within Colins Walk street scene. There are also limited views of the rear of No 5 Colins Walk from the wider area and as such the development would also have minimal impact on the character of the wider area. The development would not therefore be detrimental to the positive characteristics of Character Area H, as set out on page 123 of the Character assessment. No concerns have also been raised in relation to impact upon the character of the area by the Parish Council.

Does the proposal harm any important local views into, out of or through the site?

No.

Does the proposal use appropriate materials which respect their surroundings and reinforce local character?

Yes. They reflect those of the host property, that attached and surrounding.

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

Objections were raised by the owner and occupier of the No 4 Colins Walk in relation to the proposals as submitted. Their concerns related to the raised platform, its close proximity to the boundary and the harmful impacts it results in, through overlooking and loss of privacy to the rear bedroom and garden area.

No concerns were however raised in relation to the conservatory. The conservatory is very similar to No 4's in siting, size and design, and its presence results in a mutual relationship to be present between the two properties and their occupiers. Views afforded from each conservatory allow an equal element of overlooking between them and the rear garden areas. The conservatory as submitted is not therefore considered to have an unduly adverse impact upon the living conditions of No 4 Colins Walk. The conservatory is also noted to be located to the side elevation of No 6 Colins Walk which has two secondary windows and a door in this elevation. This property also has a garden sloping down from the main dwelling but both properties have a substantial outbuilding running along their shared boundary. The dwellings are also separated by a distance of

approximately 7.5 metres, with their driveways/off street car parking areas running between. Consequently, views into the side windows/door of No 6 are already afforded via the existing driveway and views out of No 5s conservatory into these side windows not considered to be harmful. Views from the conservatory over No 6's private garden area are also limited due to the existing outbuildings providing screening and the driveways providing separation. The conservatory as submitted is not therefore considered to be harmful to the overall living conditions of No 6 Colins Walk and no objections or concerns have been received in this regard. Other neighbouring properties located to the rear of the site are noted to be sited approximately 20 metres away from their rear boundaries and over 40 metres away from the dwellings. Consequently these properties are not adversely impacted by the conservatory. The conservatory is not therefore considered to have an unduly adverse impact on the overall living conditions of the neighbouring occupiers.

The Local Planning Authority did however have concerns about the steps and raised platform as constructed having a harmful impact due to its close proximity to the boundary and loss of privacy through the ability to look directly over the fence and into the bedroom window of No 4. Consequently, contact was made with the agent and the opportunity given for a revised scheme to be submitted to try and overcome the concerns. The amended proposals now see the relocation of the steps serving the platform and the provision of a 1.8 metre glazed screen located on the side boundary separating the raised platform with No 4.

Following the amendments, concerns continue to be raised by the owner and occupiers of No 4 Colins Walk in relation to the platform still allowing overlooking of their garden area and the screen being dominant and unsightly, as well as loss of light to the window and restricting views from it.

The proposals have since been amended again to extend the length of the glazed screen. It now runs the full length of the platform along the shared boundary with No 4. No further consultation has however been undertaken in relation to this amendment due to it offering further screening to mitigate overlooking concerns which had already been raised.

In terms of the amended proposals, the relocation of the steps clearly results in them being further away from the shared boundary and the neighbouring bedroom window; and removes direct views being afforded into it when accessing the platform. The presence of the screen also provides screening between the steps and the raised platform to a level which is common place between two residential properties. Consequently, its presence and the outlook from the neighbouring bedroom window/conservatory are not considered to be unduly harmful. In terms of the presence of the screen when being viewed from the neighbouring garden area, which is on lower ground; It is recognised that its presence will be more prominent that what currently exists. However, the small area immediately underneath the bedroom window will be mainly impacted and the boundary treatment will be no more prominent than the raised conservatory within their garden area. Consideration is also given to what extensions/outbuildings could be erected or boundary treatments planted close to this boundary without needing planning permission. The provision of the glazed screen is consequently not considered to result in undue adverse impacts to the overall enjoyment of the garden area through dominance or enclosure.

In terms of loss of light and overshadowing the provision of a 1.8 boundary treatment between properties is common place and although the ground levels fall away under the

bedroom windows, the relationship between the fence and windows is the same as what would be commonly seen. The amended plans also outline the impact the development will have in terms of loss of light, showing the 45 degree angle (note the 45 degree rule is not part of planning policy – but may give an indication as to whether loss of light may be an issue). An obscurely glazed screen has also been proposed to try and reduce impact to light levels to the bedroom and garden below. Although the drawings do show that the glazed screen does encroach slightly into the 45 degree angle, the development is not considered to lead to a significant changes in light levels throughout the day or evening, with light still passing through the screen due to its opaque finish. Consequently the proposed screen/boundary treatment would not be expected to have a harmful impact through loss of light or overshadowing into the bedroom or garden area below.

In terms of overlooking from the platform into the garden area of No 4, it is noted that this will still be the case. Although views afforded directly to the garden below and the bedroom window will now be screened. It is nevertheless noted that similar views of No 4's garden area are already afforded through the neighbouring conservatory and bedroom window. This is nevertheless also the case for No 5s garden area being afforded views from No 4's conservatory and bedroom window also. It is therefore concluded that overlooking between the rear of the properties and garden areas are already present and the raised platform does not introduce overlooking which is significantly different from what is already present and experienced. This is the case with other neighbouring properties to.

Having carefully considered the neighbour's concerns, the amended proposals overall are not considered likely to have an undue adverse impact upon the living conditions of the occupiers of the neighbouring dwellings. Consequently with a condition securing the implementation of the amended scheme within a 3 month period and the retention of the screen thereafter, the amended development is considered to be in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

Does the proposal adversely impact any existing natural or historic features?

No.

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.

Safeguarding of Mineral Resource – Policy 11 of the Minerals and Waste Core Strategy and Development Management Policies :

Policy M11 sets out exemptions and includes householder development.

Land ownership and boundary disputes.

The owner of No 4 Colins Walk has noted in his response that the raised platform and boundary treatment encroaches on to land in his ownership. A report undertaken by a third party has also been submitted. Although boundary disputes are not a material consideration the Local Planning Authority needs to be sure that the correct certificate has been submitted with the application, prior to its determination. The agent has responded to an e-mail sent on 19/08/2021 and declared that the development is on land owned by the applicant and consequently Certificate A has correctly been completed and submitted with the application. The Local Planning Authority has therefore accepted and determined the application with the submission of Certificate A.

Conclusion and reasons for decision:
The proposal has been assessed against policies LP1, LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and M11 of the Minerals Core strategy as well as Policy D5 of the Neighbourhood Plan and draft policies of the Central Lincolnshire Local Plan Consultation and all other material consideration, including guidance within the NPPF. As a result of this assessment the amended proposal subject to conditions is not considered to be harmfully out of character to the semi-detached bungalows or the surrounding area. Nor, following amendments, are the proposals considered to result in impacts which are unduly harmful to the residential amenity of neighbouring properties. The proposals are therefore considered to be in accordance with the Design and Amenity provisions set out in the above named policies. Grant of permission is therefore recommended.

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.


GRAVEL PIT ROAD
El Sub Sta
COLINS WALK
Gas Gov
14.5m
KIRTON ROAD
Greencroft
Eastgate
The Croft
Casa Mia
5
12a
23
21
11
22