

Officers Report

Planning Application No: 145619

PROPOSAL: Planning application for demolition of existing house and construction of a new self-build replacement two and a half storey dwelling and detached garage with accommodation at first floor level - being variation of condition 3 of planning permission 139843 granted 24 October 2019, amended drawings to alter the carport off the east elevation of the dwelling.

LOCATION: Egmont 23 Wragby Road Sudbrooke Lincoln LN2 2QU

WARD: Sudbrooke

WARD MEMBER(S): Cllr R Waller

APPLICANT NAME: Mr Sath Vaddaram

TARGET DECISION DATE: 02/12/2022

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Grant with conditions attached.

This application has been referred to the Planning Committee, following objections from the Parish Council, and the planning history of the site.

Description:

The site comprised a detached bungalow with two storey elements set back from Wragby Road (A158). The property is accessed off Wragby Road via an access located towards the south eastern corner of the site which leads to off road parking in front (south east) of the dwelling. The dwelling is set back approximately 32 metres from the road and sits in a very large plot approximately 152 metres in length, with the property enjoying the benefit of a very large rear garden to the north west of the property. To the north east sits a detached bungalow (No.25 Wragby Road which also has a first floor/accommodation in the roof space) on approximately the same building line and to the north west sits a two storey detached property (No.21 Wragby Road) which is located approximately 25 metres further back from Wragby Road than No.23 Wragby Road. Both of these neighbouring dwellings also sit in very large plots and are accessed off Wragby Road. To the rear of the site are two storey detached properties off 'The Paddock'. There is a Group Tree Preservation Order (TPO) fronting Wragby Road for approximately the first 17 metres of the site and there is also a Group TPO at the rear of the site which is approximately 21 metres in depth from the back of the site towards the house. There is a Public Right of Way (Sudb/129/1) on the opposite side of Wragby Road.

In 2019, planning permission was granted *“for demolition of existing house and construction of a new self-build replacement two and a half storey dwelling and detached garage with accommodation at first floor level.”*

This application (145619) seeks to vary condition 3 (plans) of planning permission 139843 which has commenced construction. The following changes are proposed:

- Increase the ridge height of the proposed carport off the east elevation of the dwelling from approximately 5.75 metres to 6.3 metres (eaves the same as approved under 139843).
- Angle of the roof of the proposed carport is changed from that approved under 139843 and a flat roof is proposed.
- Introducing two velux roof lights into the said car port roof on the front (south) elevation and three roof lights within the flat roof of the car port.
- Storage space is then created on the first floor level of the car port linked to an existing bedroom.

Relevant history:

139843 - Planning application for demolition of existing house and construction of a new self-build replacement two and a half storey dwelling and detached garage with accommodation at first floor level. Granted 24/10/2019.

141658 - Request for confirmation of compliance with conditions 1-10 inclusive of planning permission 139843. Conditions discharged 27/11/2020.

145191 - Application for non-material amendment to planning permission 139843 granted 24 October 2019 - amendments to car port roof. Refused 12/07/2022 *'The Local Planning authority is not satisfied that the changes proposed are not material. It is considered that the proposed amendments are a material change to the development from that previously granted planning permission under application 139843. It is therefore considered that the changes described will be a material change and this application for a non-material amendment is hereby refused.'*

145226 - Planning application for demolition of existing house and construction of a new self-build replacement two and a half storey dwelling and detached garage with accommodation at first floor level - being variation of condition 3 of planning permission 139843 granted 24 October 2019, amended drawings to raise ridge height of carport roof and install velux windows. Refused 26/08/2022 *'It is considered that the proposed amendments will have a harmful impact on the living conditions of the neighbouring dwelling (No.25 Wragby Road) contrary to the NPPF, Policy LP26 of the Central Lincolnshire Local Plan and Policy 9 of the Sudbrooke Neighbourhood Plan.'*

Representations:

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

Parish Council: Objects as follows:

- It is considered that the alterations to the garage roof create a habitable space that overlooks the neighbouring property.
- The Parish Council's original objections to this development were that the 3 storey house would cause considerable lack of privacy to the neighbour. The design was changed to the existing one with the garage replacing the three storey end. The higher roof line and provision of roof lights make this unacceptable due to the proximity of the house next door.
- It is considered that the application lacks a site plan showing how close the building is to the neighbouring property [note: a proposed site plan drawn to scale has been submitted with this application].

Local residents/Occupiers: 21 Wragby Road, 46 Windsor Close & Rear of White Gates, White Gates 14 Scothern Lane, Sudbrooke and 21 Station Road, Timberland object for the following reasons:

- This development is extraordinarily large for a residential property in a small village. It seems to be being built very close to the border with Number 21. This has had an overwhelming negative impact on Number 21 from the privacy, lighting perspective.
- There is already a large detached garage with an upper floor so why is this needed?
- The development as exists completely overlooks our garden and amenity space outside. This proposal will make privacy and light detriment even worse.
- The existing development has had a very significant detrimental impact on the neighbouring properties. This additional proposed application is not going to improve that, it is only going to make the impact worse.
- From our side this development already overlooks our outside amenity area and garden. The additional proposal will add to the obtrusive nature of the existing development. Number 25 are also impacted.
- The house is extremely imposing, and it is very different to the average property in Sudbrooke. It is so large that already it impacts the street scene. This additional specific proposal only worsens that impact, and doesn't improve it.
- The applicant claims that the original application concerning the carport to the east of the dwelling was done in haste and not thought through. The applicant also claims that the height and slope of his planned carport roof gives a weird view from his back garden and front drive and should be changed as it is aesthetically unpleasant.
- The refusal [145226] to agree for velux windows was welcomed by the occupants of 25 Wragby Road as the original decision to allow balconies protruding from the north and south of the property is already a severe violation of the privacy of a neighbouring property.
- The applicant has now added more velux windows and raised the roof and changed the slope of the car port which is overbearing and will lead to a loss of light, overshadowing and rainfall run-off issues in regards to No.25 Wragby Road.

- This resubmission is another attempt to change a grossly oversized house which impacts on its neighbours the design statement gives the clue as to why the carport roof is to be raised quote “the carport roof space will be accessed from the main house” or via a loft ladder ask the question why. This must be resisted.
- The comment from the applicant of my not living at 25 Wragby Road is irrelevant as the property is temporarily Let and the effects on the present tenants and our prospective return
- The submitted sunpath studies are irrelevant and incomprehensible using models and not actual photographs.
- The raising of the garage roof will impact from different angles over 25 Wragby Road. The height and slope of the proposed roof will impact on the amount of rainwater runoff, roof windows to the north and south of the proposal must impact and overlook the front and rear gardens of 25 Wragby Road and those to the south will overlook the front portions of the house.

LCC Highways and Lead Local Flood Authority: The proposal is for an amended carport roof and it does not have an impact on the public highway or surface water flood Risk. 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 would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Archaeology: No representations received to date.

Tree and Landscape Officer: No representations received to date.

The Ramblers Association: No representations received to date.

WLDC Housing Team: No representations received to date.

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (Adopted April 2017) and the Sudbrooke Neighbourhood Plan (Adopted March 2020).

Development Plan:

The following policies are particularly relevant:

*Central Lincolnshire Local plan

LP1: A Presumption in Favour of Sustainable Development

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk
LP17: Landscape, Townscape and Views
LP26: Design and Amenity

**With consideration to paragraph 219 of the National Planning Policy Framework (July 2021) the above policies are consistent with the NPPF (July 2021). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP13 is consistent with NPPF paragraphs 110-113 as they both seek to ensure an efficient and safe transport network that offers a range of transport choices. LP14 is consistent with paragraphs 159 to 169 of the NPPF as they both seek to avoid putting inappropriate development in areas at risk of flooding. LP17 is consistent with NPPF paragraph 130 & 174 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside and are sympathetic to the built environment and LP26 is consistent with section 12 of the NPPF in requiring well designed places. The above policies are therefore attributed full weight.*

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

Sudbrooke Neighbourhood Plan Policy 9: Local Design Principles

Draft Central Lincolnshire Local Plan:

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft (“Reg 18”) of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission Draft (“Reg 19”) of the Local Plan was published in March 2022, and was subject to a further round of consultation. On 8th July 2022, the Local Plan Review was submitted to the Planning Inspectorate in order for it to commence its examination. Examination commenced 15th November 2022, and is scheduled until January 2023.

The NPPF states:

“48. Local planning authorities may give weight to relevant policies in emerging plans according to:

- (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) 24.”

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF (above the decision maker may give some weight to relevant policies within the submitted “Reg 19” Plan, with the weight to be given subject to the extent to which there may still be unresolved objections to those policies (the less significant the unresolved objections, the greater the weight that may be given).

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in July 2021. Paragraph 219 states:

"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

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

- **National Planning Practice Guidance**
<https://www.gov.uk/government/collections/planning-practice-guidance>
- **National Design Guide (2019)**
<https://www.gov.uk/government/publications/national-design-guide>
- **National Design Code (2021)**
<https://www.gov.uk/government/publications/national-model-design-code>

Main issues

- Principle of Development
- Residential Amenity
- Visual Amenity
- Other Matters

Assessment:

Principle of Development

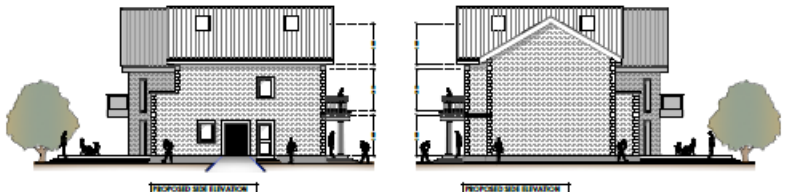
The principle of development has been established by the grant of Full Planning Permission (139843) to demolish the existing house and construct a replacement 2.5 storey dwelling and detached garage with accommodation at first floor level. The development has commenced.

Under Planning Permission 139843, the application as submitted had proposed a two storey element on this side, with first floor windows. Officers had concerns with this element and its potential effect upon the neighbour's amenity. These concerns were raised with the applicant, who agreed to amend the scheme and reduced this element to a single storey garage with hipped roof. The amended scheme was deemed to overcome officer concerns:

Plans as originally submitted under 139843:

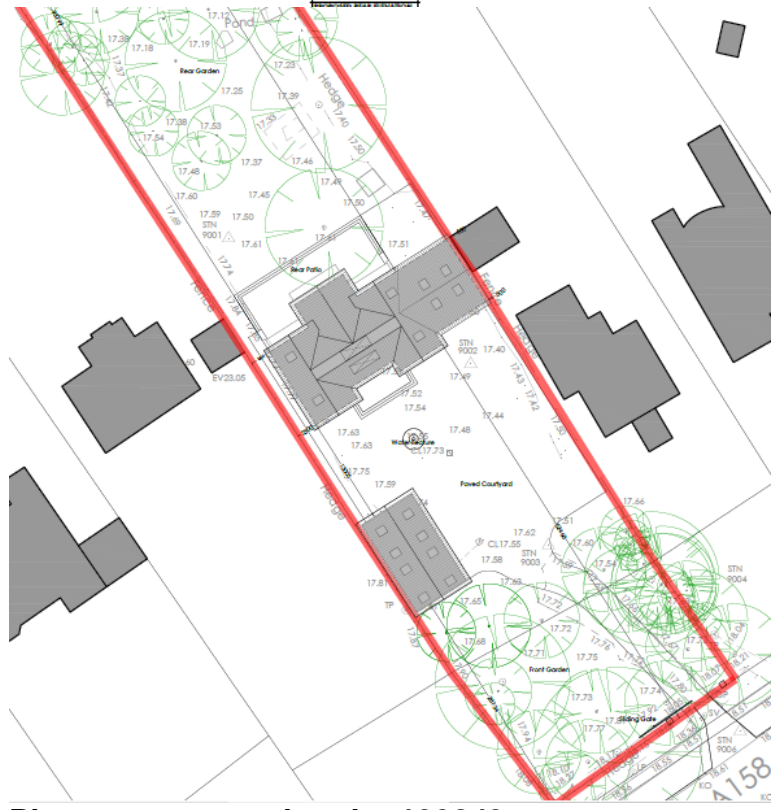


PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION

PROPOSED SIDE ELEVATION



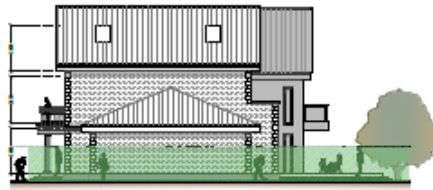
Plans as approved under 139843:



PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED SIDE ELEVATION



The applicant subsequently applied (145226) to increase this element of the build (the carport) from 5.75 metres in height to 7.1 metres (an increase of 1.35 metres) and to introduce 'velux' windows on the north and south elevations. Permission was refused in August of this year, because it was considered that the proposal would have had a harmful impact on the living conditions of a neighbouring dwelling (No.25 Wragby Road).

This latest application (145619) now seeks to address previous concerns. It is now proposed to increase the ridge height of the car port by 55 centimetres to 6.3 metres from 5.75 metres previously approved and to introduce two 'velux' skylights in the front (south) elevation and 3 skylights within the flat roof of the car port.

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. The policy also applies to future occupants of development proposals under consideration.

The following changes are proposed through this application:

- Increase the ridge height of the proposed carport off the east elevation of the dwelling from approximately 5.75 metres to 6.3 metres (eaves the same as approved under 139843).
- Angle of the roof of the proposed carport is changed from that approved under 139843 and a flat roof is proposed.
- Introducing two velux roof lights into the said car port roof on the front (south) elevation and three roof lights within the flat roof of the car port.
- Storage space is then created on the first floor level of the car port linked to an existing bedroom.

The above changes proposed to the attached car port, namely increasing the height from 5.75 metres previously approved to 6.3 metres (an increase of approximately 0.55 metres) will not be expected to impact directly on No.25 Wragby Road to the east or on the rear patio area afforded this neighbouring dwelling which is located immediately to the north of the said neighbouring dwelling.

The car port eaves, and foot print will remain the same as previously approved under 139843 (the car port is set in from the eastern boundary by approximately 1.75 metres). The two proposed roof lights in the south (front) elevation of the proposed car port are located close to the main element of the proposed dwelling away from the eastern boundary and will overlook the driveway and landscaping afforded the host dwelling to the front (south). The three proposed roof lights on the flat roof of the proposed car port will not overlook any neighbouring dwellings.

It is considered that the proposed amendments to the car port will not have a harmful impact on the living conditions of the neighbouring dwelling (No.25

Wragby Road) contrary to the NPPF and Policy LP26 of the Central Lincolnshire Local Plan.

Visual Amenity

Local Plan Policy LP17 states that to protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements. Where a proposal may result in significant harm, it may, exceptionally, be permitted if the overriding benefits of the development demonstrably outweigh the harm: in such circumstances the harm should be minimised and mitigated.

Local Plan Policy LP26 states that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they are well designed in relation to siting, height, scale, massing and form. The policy also states that the proposal should respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area and should use appropriate, high quality materials which reinforce or enhance local distinctiveness. Any important local view into, out of or through the site should not be harmed.

Policy 9 of the Sudbrooke Neighbourhood Plan states that proposals should make a positive contribution to their surroundings through the quality of their design in terms of scale, height, form, massing, style, detailing, landscaping and use of materials.

The site is screened to the south (Wragby Road) and to the north by two belts of trees which are designated as Group Tree Preservation Orders (TPO's). The western boundary is mainly hedging which is patchy or missing in places and the eastern boundary is hedging and close boarded wooden fencing. The proposed changes to the car port attached to the east elevation will not lead to an adverse visual impact as the plot is large enough to accommodate such a proposal and the site has protected screening to the north and the south in the form of tree belts subject to Tree Preservation Orders.

The proposal is therefore considered to accord with the NPPF and Policy LP17 & LP26 of the Central Lincolnshire Local Plan and Policy 9 of the Sudbrooke Neighbourhood Plan.

Other Matters

The following matters have already been considered under application 139863 and are not relevant to the determination of this application, which considers only the matter of the proposed amendments to the scheme:

- Public Right of Way
- Foul and Surface Water Drainage
- Highway Safety
- Trees and Landscaping
- Garden Space

Conditions

As a variation of condition application will create a brand new permission in itself, a review of conditions originally imposed on 139843 needs to be undertaken. Without this any new permission would be unrestricted.

Application 141658 discharged conditions 2 (construction of the driveway and tree protection), 4 (materials), 5 (foul and surface water scheme), 6 (boundary treatments) and 8 (Protective fencing for trees) of 139843. Conditions 1 (timescales), 3 (plans), 7 (hardstanding) and 10 (Removal of certain permitted development rights) are instructional conditions and need to be carried forward to the decision notice for this application (145226) if it is minded to grant permission, except condition 1 (timescales) as the development has already commenced.

Conclusions and reasons for decision:

The decision has been considered against policy LP1: A Presumption in Favour of Sustainable Development, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP17: Landscape, Townscape and Views and LP26: Design and Amenity of the adopted Central Lincolnshire Local Plan in the first instance and policies contained in the Sudbrooke Neighbourhood Plan (Policy 9: Local Design Principles) and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

The principle of development has been established by the grant of Full Planning Permission 139843 for the demolition of an existing house and construction of a new self-build replacement two and a half storey dwelling and detached garage with accommodation at first floor level. In light of this assessment it is considered that the proposal will not have a harmful impact on the living conditions of neighbouring occupiers or have a harmful visual impact on the street scene.

Recommendation: Grant planning permission subject to the conditions below:

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

1. **N/A** - The development has already commenced.

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

2. Development on the site shall proceed wholly in accordance with the details approved under 141658 in terms of full details of the materials and method of construction for the driveway. The driveway shall then be constructed in accordance with the approved details and thereafter retained as approved.

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

3. 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: L-ADD-025 - 04F dated 28/09/2022, L-ADD-025 - 05C dated 01/10/2019, L-ADD-025 - 06E dated 28/09/2022, L-ADD-025 - 07E dated 28/09/2022, L-ADD-025 - 08E dated 28/09/2022, L-ADD-025 - 09G dated 28/09/2022 and L-ADD-025-10A dated 26/09/2019. 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.

4. Development on the site shall proceed wholly in accordance with the details approved under 141658 in terms of the proposed new walling, roofing, windows, doors and other external materials. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials to accord with the National Planning Policy Framework, Policy LP26 of the Central Lincolnshire Local Plan and Policy 9 of the Sudbrooke Neighbourhood Plan.

5. Development on the site shall proceed wholly in accordance with the details approved under 141658 in terms of a scheme for the disposal of foul and surface waters. The development shall only be carried out in accordance with the approved details and prior to occupation of the dwelling.

Reason: To ensure adequate drainage facilities are provided to serve the development in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

6. Development on the site shall proceed wholly in accordance with the details approved under 141658 in terms of all boundary treatments. The agreed details shall be implemented in full prior to the occupation of the hereby approved dwelling and retained thereafter.

Reason: In order to protect residential amenity in accordance with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

7. New hardstanding shall be constructed from a porous material or shall be appropriately drained within the site and shall be retained as such thereafter.

Reason: To ensure appropriate drainage to accord with the National Planning Policy Framework and Policy LP14 of the Central Lincolnshire Local Plan.

8. All existing trees and hedges shown as being retained on the plans hereby approved shall be protected by protective fencing prior to the commencement of development around the retained trees and hedges. The fencing should be positioned at the outer extents of the trees Root Protection Areas, as specified on Drawing No. L-ADD-025 - 04F dated 28/09/2022. Such fencing shall be erected before development commences including ground scraping and shall be retained at all times whilst construction work is taking place. Nothing shall be stored or placed in any root protection area, nor shall the ground levels within those areas be altered, without prior written approval of the Local Planning Authority.

Reason: To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing on site in accordance the National Planning Policy Framework and Policy LP17 of the Central Lincolnshire Local Plan.

9. The dwelling and garage (with first floor living accommodation) hereby permitted shall not be occupied until the first floor window to an en-suite in the side (west) elevation of the proposed new house (Drawing No. L-ADD-025 - 09G dated 28/09/2022 and until the first floor windows to a bedroom in the side (north) elevation of the proposed detached garage (Drawing No. L-ADD-025-10A dated 26/09/2019 have been fitted with obscure glazing and retained as such thereafter.

Reason: To prevent unacceptable levels of overlooking on neighbouring properties, in accordance 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:

10. Notwithstanding the provisions of Class B and Class C of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any Order revoking and re-enacting that Order, the buildings hereby permitted shall not have any additions or alterations to the roof of the dwelling house and garage unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their impact on the street scene and on the living conditions of neighbouring dwellings in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

Informative

Conditions

As a variation of condition application will create a brand new permission in itself, a review of conditions originally imposed on 139843 needs to be undertaken. Without this any new permission would be unrestricted.

Application 141658 discharged conditions 2,4,5,6 and 8 of 139843. Conditions 1,3,7,9 and 10 are instructional conditions and need to be carried forward to the decision notice for this application (145226) if it is minded to grant permission, except condition 1 (timescales) as the development has already commenced.

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