

Officer's Report

Planning Application No: 145617

PROPOSAL: Planning application for first floor extension and garage alterations.

LOCATION: The Spinney 12 Scothern Lane Sudbrooke Lincoln LN2 2QT

WARD: Sudbrooke

WARD MEMBER(S): Cllr Waller

APPLICANT NAME: Mr & Mrs Chirag Ahir

TARGET DECISION DATE: 25/11/2022

DEVELOPMENT TYPE: Householder Development

CASE OFFICER: Vicky Maplethorpe

RECOMMENDED DECISION: Grant permission

This application has been referred to the Planning Committee following objections from the Parish Council which state that the proposals are in conflict with the policies within the Sudbrooke NP.

Description:

The application site comprises a dormer bungalow with detached garage located within Sudbrooke. The property is set back from the road behind a mature tree band which is subject to a Tree Preservation Order.

The site is surrounded by other residential dwellings to the north, with a large replacement dwelling currently under construction (145111), south, a detached dormer bungalow and east and open countryside to the west.

The application seeks permission for alterations and extension to the existing dwelling and a replacement detached garage.

Relevant history:

None on application site.

Site directly to north west (no.14 Scothern Lane):

145111 - Planning application for 1no. replacement dwelling and detached garage being variation of condition 2 of planning permission 144370 granted 30 March 2022 - amended roof tile materials, bin store added, amendment to windows & addition of velux windows, GC, 16/9/22.

145010 – Non material amendment to planning permission 144370 granted 30 March 2022 - rear gable roof changed to hipped roof, change of windows in bedroom, garden room roof changed to orangery design, additional velux windows to garage, additional velux windows over games room and form bedroom in roof space, erect bin store and change in roof materials. – Refused – Planning permission required 17/06/2022.

144370 - Planning application for 1 no. replacement dwelling and detached garage
Granted – 30/03/2022

143660 - Outline planning application for residential development of 3no. self-build plots, including removal of annexe, summerhouse and timber garage and store - with access to be considered and not reserved for subsequent applications. Resubmission of 142338. Refused 27/10/2021.

142338 - Outline planning application for residential development of 3no. dwellings, including removal of annexe, summerhouse and timber garage and store - with access to be considered and not reserved for subsequent applications. Refused 08/04/2021.

Representations:

Chairman/Ward member(s):	None received
Parish/Town Council/Meeting:	<p><i>'Sudbrooke Parish Council discussed this application at its meeting earlier this evening. It requests that the comments previously submitted on 23rd October 2022 be disregarded and the following taken into consideration when determining the application.</i></p> <ul style="list-style-type: none"> <i>· The Council objects to the garage in that it has an overbearing nature, overlooking and loss of privacy to neighbours from the accommodation in the roof.</i> <i>· The overall alterations to both the house and garage conflict to Part (a) of Policy 2 of the Sudbrooke Neighbourhood Plan in that size and height are not in keeping with the original dwelling and Part (b) the extensions and alterations should be designed so that there shall be no significant reduction in the private amenity of the occupiers of neighbouring properties, through overlooking, overshadowing, loss of light or an overbearing appearance.'</i>
Local residents:	<p>11 letters of support received from Nelson House, Nelson Rd, Fiskerton; Stonebrook House, 46 Scother Lane, Sudbrooke; 4 Saxon Fields, Scothern; 6 Shepherds Way, Sudbrooke; 9 Greetwell Road, Greetwell; Egmont, 23 Wragby Rd, Sudbrooke; Four Seasons, 4 Sudbrooke Place, Sudbrooke; Parklands, West Drive, Sudbrooke; Vespasian Way, North Hykeham.</p> <p>6 letters of objection received from The Coppers, 10 Scothern Lane, Sudbrooke; Badgers End, 6 Scothern Lane Sudbrooke; Five Mile House, High Street, Fiskerton; Pine Cottage, 8 Scothern Lane, Sudbrooke; Robins Oak, 36 Scothern Lane, Sudbrooke; 2 The Croft Nettleham.</p> <p>Objections are summarised below:</p> <ul style="list-style-type: none"> • Significant impact, overbearing and overshadowing of neighbouring properties;

	<ul style="list-style-type: none"> • Change look and feel of rear garden and dominate landscape • Remove current views of greenbelt and open sky • Garage overbearing in size and rooflights will overlook neighbouring property • Impact on value of property • Impact on surrounding area • Not in accordance with Sudbrooke Neighbourhood Plan • Will set a precedent • Not in keeping with height and style of surrounding dwellings
LCC Highways/Lead Local Flood Authority:	No objections
Archaeology:	None received
Tree Officer:	<i>'Conclusion I have no objections to T20 and T22 being removed due to their low quality, positions close to the proposed garage, and their potential for future issues if they are retained. I have no objections to the proposals providing the tree protection fencing as detailed in the 'General Recommendation' of the tree report, and as shown on Figure 4 plan in the same report are implemented prior to any works commencing (demolition, clearance and development), and are retained in position until completion. Any new driveway blocks over Tree RPAs should not involve excavations or compaction of bed for new blocks within the tree RPAs. Any new base within tree RPAs should be carried out by hand, and no compaction over RPAs.'</i>
IDOX:	Checked 4/1/23

Relevant Planning Policies:	
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
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 <i>*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. LP17 is consistent</i>

	<p><i>with NPPF paragraph 174 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside and LP26 is consistent with section 12 of the NPPF in requiring well designed places. The above policies are therefore attributed full weight.</i></p> <p>https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/</p>
Neighbourhood Plan:	<p>Sudbrooke Neighbourhood Plan Made March 2020:</p> <p>Policy 2: Extensions and alterations to existing dwellings</p>
Draft Central Lincolnshire Local Plan:	<p>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:</p> <p>(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);</p> <p>(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</p> <p>(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).”</p> <p>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 on 15th November 2022 and the examination ended 16th December 2022.</p> <p>The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF, 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)</p> <p>Consultation responses can be found in document STA022 Reg 19 Consultation Responses by policy / STA023 Reg 19 Consultation Responses by respondent.</p>

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

POLICY LP26 – Design and Amenity

Is the proposal well designed in relation to its siting, height, scale, massing and form?

The existing dwelling is a detached dormer bungalow of no historical or architectural merit set in a generously sized garden. The proposal seeks various alterations and extensions which will raise the eaves and ridge of the existing property and increase the overall size and scale of the existing dwelling along with the use of modern materials including render, timber cladding, grey fascia's and fenestration. It is considered, even though larger than the existing property and modern in appearance, the design, siting, scale and massing of the proposed extensions, alterations and garage is acceptable and will not harm the streetscene or surrounding landscape.

Does the proposal respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area?

Concerns have been raised regarding the impact the proposal would have on the surrounding area.

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.

Local 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'

Criterion a) of Policy 2 of the Sudbrooke Neighbourhood Plan states '*Extensions and alterations to existing dwellings within the Parish where planning permission is required, will be supported where the following criteria are met:*

a) the size, scale, height and materials of the development are in keeping with the original dwelling and the surrounding area as described in the Sudbrooke Character Assessment (Appendix 3)....'

The site lies in Character 3 which states '*Given the degree of screening and difficulty in viewing the full form and appearance of individual properties, it is tricky to provide*

a definitive overview of the architectural styles that are present. However, much like Character Area 2, building materials, scale and design seem to vary considerably from property to property, with no particular architectural language dominating. Rather, variety is the order of the day when it comes to building forms and architectural styles, and it is the mature planting to the front of these properties and the similar plot sizes and dwelling positioning that tie them together and give them a common character.”

Character Area 3 specifically states that *‘building materials, scale and design seem to vary considerably from property to property, with no particular architectural language dominating.’*

The site is surrounded by mature trees, with a Tree Belt, subject to a TPO, across the front of the site and there is varied architectural styles of properties in the area.

No.14 is located directly to the north west of the site and a replacement dwelling is currently under construction, application ref. 145111. The approved dwelling on the adjacent site has a ridge height of 9.1m and eaves height of 5.5m. The proposed extensions and alterations on the application site have a maximum ridge height of 8.5m and 4.5m to eaves. Although the proposed dwelling and the garage are large it is considered that the plot is large enough to accommodate such a proposal and with its protected screening to the front there are no visual amenity concerns in regards to this proposal.

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

No.

Does the proposal use appropriate materials which reinforce or enhance local distinctiveness?

Yes. As stated above due to the varied architectural styles in the area the proposed alterations and extensions would not be harmful to the streetscene or character area.

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 with regards to impact the proposed extension and alterations and garage will have on the living conditions of neighbouring properties in terms of overlooking and being overbearing.

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 2 of the Sudbrooke Neighbourhood Plan states *‘the extensions and alterations are designed so that there shall be no significant reduction in the private amenity of the occupiers of neighbouring properties, through overlooking; overshadowing; loss of light or an overbearing appearance;’*

The application site is generous in size and is surrounded by mature trees. The closest property to the site is no. 10 Scothern Lane, a detached dormer bungalow,

located to the south east of the application site. No.12 is set 3.7m from the shared boundary and no.10 is set approx. 2m from the boundary with a blank elevation facing the application site.

The proposal sees an increase in height of the existing dwelling. However it has varying ridge heights which help to break up the overall massing and scale of the dwelling. The highest ridge line is 8.5m and 4.5m to eaves, reducing to 5.9m to ridge and 2.7m to eaves.

There will be limited views of the extensions, alterations and garage from the streetscene and although it is accepted they will be visible from the immediate neighbour's gardens and properties, owing to the location of the extensions there are no concerns with loss of light and over dominance in regards to No.10 to the south of the application site. It is considered that the alterations and extensions would not result in significant harm, in terms of overlooking, overbearing or overshadowing, on the residential amenities of neighbouring properties.

The proposed detached garage, located to the front of the dwelling, measures 2.6m to eaves and 5.9m to ridge. It will provide garaging on the ground floor and storage/office accommodation within the roofspace and be served by 2 rooflights in each roofsope. Due to the positioning of the rooflights they will offer limited views of no.10. It is also considered that due to its size, scale and location it would not result in significant harm, in terms of overlooking, overbearing or overshadowing, on the residential amenities of neighbouring properties.

The south east (side) elevation has an existing dormer window serving an en-suite which will remain as is, and a rooflight, to serve a new en-suite, is proposed in the extension.

The amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy would not be unduly harmed by or as a result of development, and it is considered the proposal complies with policy LP26 of the CLLP and policy 2 of the Neighbourhood Plan in this respect.

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.

TPO's:

Trees in the tree belt across the property frontage are protected by two TPOs: the original Sudbrooke 1950 TPO, and also Sudbrooke No1 2022 which is a 'woodland' designation, W1, that protects all trees regardless of species or size, including anything capable of growing into a tree such as small self-sets and seedlings.

Trees across the frontage of this property are part of a larger important tree belt along Scothern Lane. The tree belt was originally the mixed woodland edge of the old parkland of Sudbrooke Holme, and runs along part of Scothern Lane continuing

around the corner and along Wragby Road. The tree belt along Scothern Lane forms a feature of structural greenery along the property frontages, giving the street scene its distinctive tree-lined character which is also important to the overall character and amenity of Sudbrooke.

A Tree Report has been submitted with the application. The Tree Officer has no objections to the scheme as long as the tree protection measures are adhered to along with a condition restricting any new driveway being excavated, all works should be by hand.

Concerns have been raised with regards to de-valuation of property, impact on view and setting a precedent. These are not material planning considerations.

Conclusion and reasons for decision:

The decision has been considered against policy 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 2 of the Sudbrooke Neighbourhood Plan in the first instance and guidance contained within the National Planning Policy Framework, National Planning Practice Guidance and the National Design Guide. In light of this assessment it is considered that the proposal will not harm the character and appearance of the street-scene or the dwelling, nor the living conditions of neighbouring occupiers.

Recommendation: Grant planning permission subject to the conditions below:

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: L-ADD-130-01A, L-ADD-130-02A and L-ADD-130-03B dated 13/10/22, L-ADD-130-07C dated 13/10/2022, L-ADD-130-08B, L-ADD-130-09B dated 29/9/22 and L-ADD-130-10B dated 13/10/22. 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.

3. No development, other than to foundations level shall take place until a scheme for the disposal of foul and surface waters (including the results of soakaway/percolation tests) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and prior to occupation of the dwelling (see notes to the applicant below).

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

4. No development, other than to foundations level shall take place until, full details of any new hardstanding and installation has been submitted to and approved in writing by the Local Planning Authority.

- Any new driveway blocks over Tree Root Protection Areas (RPAs) should not involve excavations or compaction of bed for new blocks within the tree RPAs.
- Any new base within tree RPAs should be carried out by hand, and no compaction over RPAs.
- Any 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 and LP17 of the Central Lincolnshire Local Plan.

5. The development shall be carried out in full accordance with the Tree Protection Fencing as detailed in 'General Recommendations' and Figure 4 of The Tree Survey produced by CBE Consulting dated 1 December 2022. The 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.

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.