

# Officers Report

## Planning Application No: 144560

**PROPOSAL:** Planning application for demolition of the existing bungalow and replace with 2 storey dwelling, attached garage and all associated works.

**LOCATION:** Squirrels Leap Main Street Burton Lincoln LN1 2RD

**WARD:** Saxilby

**WARD MEMBER(S):** Cllr Mrs J Brockway and Cllr P M Lee

**APPLICANT NAME:** G S Hughes (Holdings) Ltd

**TARGET DECISION DATE:** 16/05/2022 – Extension of time agreed until 02<sup>nd</sup> November 2023

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Joanne Sizer

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

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This application is referred to the Planning Committee, as it is recommended to grant planning permission, despite outstanding objections from the Parish Council and neighbours on balanced planning matters (particularly in regard to scale and impact upon character and appearance).

**Description:** The application site is located within Burton village, within Burton Conservation Area and within an area allocated as “Green Wedge” in the development plan. It is also within a Limestone Mineral Safeguarding Area.

The site currently hosts a detached residential bungalow with garden area, access and provision for off street parking. The site slopes down from east to west and north to south. Boundary treatments mainly consist of hedges, planting and walls (some with trellis). There are also a large number of trees within the site.

Other residential dwellings and their garden areas adjoin the site to the east, north and west. Those sitting to the west are identified as locally important buildings within the Conservation area appraisal and are considered to be non-designated heritage assets.

This application seeks to demolish the existing bungalow on the site and erect a replacement dwelling with attached garage. The proposals being considered relate to the amended details submitted on 05<sup>th</sup> September 2023.

The existing bungalow measures approximately 17.6 metres in width (including garage), 7.5 metres in length (excluding conservatory), 2.95 to the eaves (from lowest ground level) and 5.81 metres to the ridge (from lowest ground level)

The proposed dwelling would measure approximately 17.3 metres in width, 19.22 metres in length (including all elements), 4.5 metres to the eaves (from lowest ground level) and 8.1 metres to the ridge (from lowest ground level).

The proposed materials are noted as:

- Natural Slate (Welsh) Roof tiles.
- Dressed Ashlar Stone with lime mortar
- Subtly tumbled Buff Brick
- Off white render
- Dressed stone Lintels, Cills, window surrounds, cornices and Portico Canopy
- Anthracite or Black slimline/aluminium windows and doors
- Agate grey fascia and black cast iron flue

**Relevant history:**

31/67 – Erect Bungalow and form vehicular access – Granted 1967

460/66 – Erect a bungalow and form vehicular access – Granted 1966.

**Representations:**

Burton Parish Council:

Post 05/09/23: Burton Parish Council have concerns over this application as the house has been brought forward on the plot and will therefore further dominate the street scene. The roofline of the proposed building is level with the property known as Walnut Garth but the adjacent neighbours do not understand why the plans appear to indicate “stepping down” from the building to the patio via steps at the rear of the proposed building.

Whilst the ground level is higher than that at Kennel Cottage which neighbours the proposed property it currently does not have a step down and is fairly level. It appears as if the proposed dwelling has been built on a platform to allow for the step down.

The proposed dwelling is much larger and higher than any of the neighbouring properties, therefore, it will be a dominant building. It is far too large for this site, particularly, as it is in a Conservation Area. It is very proximate now to Walnut Garth and thereby will encroach on the amenity of that property. It will block the light from their conservatory and other parts of the house.

The proposal puts the heat source pump now is to be situated at the front of the property near Kennel Cottage. Heat pumps are noisy and it will encroach on the amenity of the neighbouring property. Placing it to the rear of the property would reduce the encroachment on the quiet living of the neighbours. It is far too large and domineering for the site. A property more in keeping with the size Maude House or a style chalet property would be more in keeping. The views of the Conservation Officer are required.

Prior to 05/09/23: Concerns raised in relation to (summarised):

- Site of the dwelling and overdevelopment of the plot.
- The spacing around the dwelling is compromised and should be traditionally in-keeping with those around.

- The height of the dwelling is higher than the properties around
- The dwelling would block light, overlook and be overpowering to existing dwellings and to the detriment of their amenity.
- No hedges should be removed.
- The Conservation officers comments are supported and not in keeping with the Conservation Area.

Local residents:

Post 05/09/23: Walnut Garth, Kennel Cottage and Griffinwood raise the following concerns/objections (summarised):

Walnut Garth (located to the east):

- The dwelling is closer to our boundary and larger in dimensions than previous proposals.
- Loss of daylight and sunshine
- Damage to boundary wall
- Safe access during construction works
- Hedging to be retained at its existing height of 3 m on Squirrel's Leap side and 2m on Walnut Garth's side.
- Height of the dwelling in comparison to Walnut Garth
- Height of windows should be lower than the existing fence to maintain privacy.
- The dwelling would have an overbearing presence due to its height, massing, scale and form.
- The height and proximity of the dwelling would lead to unreasonable shadowing and reduced daylight into the principal windows to 2/3 of our downstairs space (looking/leading through the glazed boot room/utility).
- Any demolition/construction works close to the boundary wall could have a structural impact upon the wall and on the boot room, which is built directly on the boundary wall.
- There are drains located along the side pathway between the boot room and site and construction works may impact upon these.
- Construction traffic should be parked on the driveway of Squirrels Leap to allow for safe access in and out of the neighbouring properties.
- The leylandii hedging (G13) to be retained should be done so at a height of 3 metres from Squirrels Leap land levels and 2 metres height on Walnut Garth side.
- The proposed dwelling should be reduced in size and height.
- The proposed dwelling is out of scale with the smaller properties on either side of it and will stand out within the street scene as a dominating property.
- Construction hours should be managed if permission is granted.
- Relevance of representations made by the agent

Kennel Cottage (located to the west):

- The size of the proposed dwelling is disproportionate and will result in it to dominate the street scene.

- The siting and size of the dwelling will result in loss of light to Kennel Cottage.
- The dwelling will also dominate Kennel Cottage due to the roof line being level with Walnut Garth, yet on a lower ground level.
- The proposed dwelling does not respect the surrounding topography or relate well to the site and surrounding in relation to its siting, height scale, massing, form and the width of the plot.
- The proposed dwelling will lead to overlooking and overshadowing/loss of light to the detriment of Kennel Cottage.
- The siting of the air source heat pump close to the boundary will also have a detrimental noise impact.
- Parking of vehicles during construction should be on site and managed for highway safety purposes.

#### Griffinwood (located to the north)

- The size of the proposed dwelling is excessively large and an overdevelopment of the plot.
- The dwelling is larger than previously proposed and significantly bigger than the existing bungalow.
- The dwelling would be out of character with its immediate surroundings and would have a adverse effect on the surrounding properties.

Prior to 05/09/23: Walnut Garth, Kennel Cottage and Griffinwood raise the following concerns/objections (summarised):

- Dominance and overbearing Design of proposed dwelling
- Scale and massing is harmful to the Conservation area
- Has a harmful impact upon the amenity of neighbouring properties through dominance, overlooking and loss of light/overshadowing. As well as noise from the air source heat pump.
- Highway Safety concerns
- Accuracy of plans
- The size of the dwelling and the scale of the roof when compared to others in the street is out of character.
- Location of chimneys to neighbouring windows and detrimental impacts.
- Close proximity to boundary wall/neighbouring property and its stability and nearby drains.
- Removal of hedges providing privacy.
- Kennel Cottage and that attached have significance in the history of the village and noted as an important building in the Conservation Area Appraisal. The proposed dwelling completely dominates these locally important buildings.
- Historic views associated with the site and buildings will be lost.
- All hedges should be retained for privacy.

In support of the application (Prior to 05/09/23):

Thorpe Lane Lincoln.

22 Heron Drive, Gainsborough

1 Metheringham Lodge Cottage, Metheringham Health, Lincoln

Summarised comments:

Due to it looking nice in the street scene and being a positive improvement to the area.

LCC Highways:

No Objections.

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 is acceptable and accordingly, does not wish to object to this planning application.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage on all Major Applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the drainage proposals for this planning application.

Archaeology:

It is unlikely for there to be a need for archaeological impact.

Tree officer:

Post 05/0923: There are no objections to the proposals in terms of its impact on trees or hedges. The Arboricultural Report provides all the necessary information regarding RPA's, tree protection measures, construction methods in close proximity to any trees intended to be retained, utilities, precautions against spillages and ground contamination of substances harmful to trees, etc... and the information within this document should be adhered to. It is however necessary for the protective fencing to be installed in the approved positions prior to any work commencing on site, including prior to demolition and clearance of the existing dwelling, and not just prior to construction of the new dwelling.

Prior to 05/0923: I have no objections to the proposals in terms of its impact on trees or hedges. The two Arboricultural Report and AMS documents provide all the necessary information regarding RPA's, tree protection measures, construction methods in close proximity to any trees intended to be retained, utilities, precautions against Version: 1, Version Date: 16/09/2022 Document Set ID: 286094 spillages and ground contamination of substances harmful to trees, etc... and the information within these two documents should be adhered to. NOTE: The necessary protective fencing should be installed in the approved positions prior to any work commencing on site, including prior to demolition and clearance of the existing dwelling, and not just prior to construction of the new dwelling.

Conservation officer:

Post 05/0923 - Squirrels leap is a late 20th century bungalow built towards the northern boundary of Burton Conservation Area.

Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority shall have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area.

Two plots to the west of Squirrels Leap is the historic kitchen garden wall of the Monson family estate.

To the west of Squirrels leap are two NDHA's known as Kennel Cottage and Maude House, both built in the 19th century.

Kennel Cottage is a pair of two storey estate cottages built of coursed limestone with a slate roof and Maude House is a large house built in red brick and with a pantile roof.

The CAA notes the location of Squirrels Leap to be located within a mostly modern built area. The development of this plot to incorporate a larger modern property would not alter the setting of the CA or NDHA's. A new development would conserve the setting.

The development will change the setting of the CA and the NDHA's but not harm them. The CA is situated on an escarpment that tiers the buildings higher to the east of the CA. Views of the development site and the NDHA's from the east are limited due to the sloped landscape and modern development, such as Walnut Garth.

To the west, there are strong views of Maude House and Kennel Cottage, the views to these would not be altered here but the new development would be more visible within the view. The additional views of a modern development would not alter the character of the existing setting.

The development would not alter the character of the area from the east due to the modern developments and the views to and from the NDHAs are strongest to the west which are retained.

The proposed two storey dwelling is much larger in height and scale than the existing single storey bungalow. The proposal appears appropriate in size and scale when compared within the setting of the newer developments in the area. It is also similar to the scale of the principle elevation of Maude House. Under Policy S57 of the CLLP (2023), part N, there is an aim to retain the existing street patterns. The siting of the new house improves the form of the CA as the principal elevation conforms with the existing properties to the north of Main Street. This alteration would enhance the setting of the NDHAs as desired under part F of the same Policy.

One minor issue would be the height of the building. It is proven to be tiered in the elevation plans with neighbouring properties down the escarpment, but this is currently very minimal and would be better reduced for the setting. However, this does still conform with the setting and would be considered to sustain the NDHA setting and retain the setting of the CA.

The proposed fenestrations and materials retain the local distinctiveness of the CA and is a betterment in design from the existing. The modern details to the rear are discrete and conform with the wider setting of modern

development. The development design would meet the context, identity and built form of Policy S53.

The proposal protects the character of the historic environment under Policy S57 and meets the design details of Policy S53.

I have no objections to this application subject to the conditions:

- 1) All external materials will be submitted to the LPA for approval.
- 2) A 1 metre squared sample panel of the stonework and brickwork will be produced on site for inspection and retained on site until the development is completed.
- 3) Details of the landscape shall be submitted to the LPA for approval.

Prior to 05/09/23 –

- As discussed today in the workshop. I have concerns with the amended proposals. I still feel it does not “retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and lot widths of the existing built environment” as stated in LP25 of the Local Plan
- Burton is a designated conservation area. The Local Planning Authority must pay special attention to the preservation or enhancement of the character and appearance of the conservation area as per the statutory duty under 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The existing bungalow is of no significance. There are no objections to its loss. Development in a conservation area generally should be expected to blend in well with its surroundings, not compete for attention. This principle is reflected in Local Plan policy LP25: The Historic Environment that requires development within conservation areas to retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and lot widths of the existing built environment. When considering the proposal, I am not of the opinion that it would comply with the above requirements. The proposed dwelling appears large, both in terms of height and footprint. It is likely that its appearance would be out-of-scale with the smaller grained properties on either side. The design approach of using two steeply pitched gables to the front elevation and long vertical windows would result in a dwelling with a modern aesthetic that although striking, would be incongruous in this particular location that features a more polite approach through traditional and traditional-style architecture. Generally speaking, the redevelopment of the site could be supported. However, the proposal could respond more positively to its context in terms of scale and design. As proposed, I feel the dwelling would uncomfortably stand out within an established traditional street scene. This is further exacerbated when considering the impact upon views to and appreciation of the settings of the adjacent properties Maude Cottage, westside and Kennel Cottage, which have been identified as buildings of importance within the conservation area. In considering the National Planning Policy

Framework 2021 (the NPPF), the harm to the designated heritage asset of Burton conservation area would be less than substantial. Any level of harm, however, requires clear and convincing justification (paragraph 200). In this case, the identified harm should be weighed against the public benefits of the proposal. There is no evidence that public benefits would arise from the scheme. I would advise that the proposal is reconsidered.

ECM checked 23/10/23

### **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 in April 2023 and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

#### Development Plan

- ***Central Lincolnshire Local Plan 2023-2043 (CLLP)***

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy.

Policy S6: Design Principles for Efficient Buildings.

Policy S7: Reducing Energy Consumption – Residential Development

Policy S11: Embodied Carbon

Policy S21: Flood Risk and Water Resources.

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S53: Design and Amenity

Policy S57: The Historic Environment

Policy S60: Protecting Biodiversity and Geodiversity

Policy S63: Green Wedges

Policy S66: Trees, Woodland and Hedgerows.

- ***Neighbourhood Plan (NP)***

The Parish is not currently preparing a Neighbourhood Plan.

- ***Lincolnshire Minerals and Waste Local Plan (LMWLP)***

The site is in a Minerals Safeguarding Area and Policy M11 of the Core Strategy applies.

The application is however in an established residential area and host an existing residential property. The proposed development in replacing the existing dwelling will not therefore replacement will not therefore sterilise



mineral resources within the Mineral Safeguarding Area or prevent future minerals extraction on neighbouring land.

#### 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 September 2023. 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)."*

- **National Planning Practice Guidance**
- **National Design Guide (2019)**

#### Other guidance/Legislation:

- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Burton Conservation Area Appraisal

#### **Main issues**

- Principle of development
- Green Wedge
- Design and impact upon the character of the area and Historic Environment, including Landscaping
- Neighbouring amenity
- Drainage
- Energy efficiency

#### **Assessment:**

##### Principle of Development:

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 in April 2023)

The application site hosts and existing dwelling and adjoined by other residential properties to the north, east and west, with the highway sitting to the south. It is located within the developed footprint of Burton, which is

designated as a small village in Policy S1 of the 2023 CLLP. The proposed development seeks planning permission for a replacement dwelling.

Policy S4: Housing Development in or adjacent to villages of the 2023 CLLP is therefore most relevant and sets out that:

*Policy S4: Housing Development in or Adjacent to Villages*

*1. Large, Medium and Small Villages, as defined in the Settlement Hierarchy in Policy S1, will experience limited growth to support their role and function through allocated sites of 10 or more dwellings in the Local Plan, sites allocated in neighbourhood plans, or on unallocated sites in appropriate locations\* within the developed footprint\*\* of the village that are typically:*

- up to 10 dwellings in Large Villages and Medium Villages; and*
- up to 5 dwellings in Small Villages.*

*Proposals on unallocated sites not meeting these criteria will not generally be supported unless there are clear material planning considerations that indicate otherwise.*

*2. Residential development proposals for unallocated sites within the size thresholds set out in part 1 of this policy and within the developed footprint of the village will only be supported where it would:*

- a) preserve or enhance the settlement's character and appearance;*
- b) not significantly harm the character and appearance of the surrounding countryside or the rural setting of the village; and*
- c) be consistent with other policies in the development plan.*

The application site is not allocated but is considered to be an appropriate location within the developed footprint. The development is also within the 5 dwelling limit set out in the policy.

The principle acceptability of development therefore relates to the policy requirements set out in part 2. of Policy S4 and matters relating to design and visual amenity, as well as all other policy requirements set out in the development plan. These matters are discussed topically in this report and subject to being found in accordance with the CLLP requirements, the principle of development is supported.

#### Design and impact upon the character of the area and historic environment.

The site hosts a detached residential bungalow with garden area, access and provision for off street parking. The site slopes down from east to west and north to south. Boundary treatments mainly consist of hedges, planting and walls (some with trellis).

The application site is located within the Burton Conservation Area (CA). The Burton Conservation area appraisal sets out important features of the Conservation Area and includes the sloping topography of the village, historic boundary walls and mature trees, as well as the traditional form of the buildings, spacing around them and materials used.

However, more specifically the Conservation area appraisal identifies the application site to sit within an area of the modern-day village, with mostly modern houses. In this regard it is noted that the existing bungalow is of no architectural or historic significance and has little presence within the Conservation area. The surrounding area also includes a majority of modern dwelling houses which do not reflect the valued characteristics and features noted in the Conservation area appraisal and seen in the more historic parts of the village.

That said, the Conservation Area appraisal does identify the buildings located immediately to the west of the site (Kennel Cottage, west Side and Maude House) to be estate dwellings and have a historic association with the village and valued architectural features. These properties are therefore considered to be non-designated heritage assets (NDHA's) and the application site and proposed development sits within their setting.

The three neighbouring properties adjoining the site and the Parish Council have raised concerns in relation to the size and scale of the dwelling and it not being in keeping with those within the area and harmful to the character of the Conservation area.

Policy context/requirements:

Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority are required to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area (Designated Heritage asset).

Local Plan Policy S57: The Historic Environment requires:

*Development within, affecting the setting of, or affecting views into or out of, a Conservation Area should conserve, or where appropriate enhance, features that contribute positively to the area's special character, appearance and setting, including as identified in any adopted Conservation Area appraisal.*

*Proposals should:*

- n) retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces and architectural details that contribute to the character and appearance of the area;*
- o) where relevant and practical, remove features which have a negative impact on the character and appearance of the Conservation Area;*
- p) retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment;*
- q) assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape; and*

*r) aim to protect trees, or where losses are proposed, demonstrate how such losses are appropriately mitigated against.*

Paragraph 199 of the NPPF states that great weight should be given to the conservation of a designated heritage asset, regardless of the level of harm to its significance. Paragraph 200 sets out that any harm to, or loss of the significance of a designated heritage asset should require a clear and convincing justification. Paragraph 202 further guides that for development that leads to a less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of a proposal.

With regards to the setting of the non-designated heritage assets Local Plan Policy S57 relevantly states that:

*Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire.*

Development proposals will be supported where they:

*f) take into account the desirability of sustaining and enhancing non-designated heritage assets and their setting.*

Additionally, Paragraph 203 of the NPPF guides that: *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

In addition to this CLLP Policy S53 relates to the Design of development and requires 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 which demonstrates a sound understanding on their context. 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. Important views into, out of and through a site should also be safeguarded.

Assessment:

Squirrels Leap is a mid 1960s bungalow built towards the northern boundary of Burton Conservation Area. It sits within a mostly modern area, with surrounding development incorporating larger modern residential properties. The exception to this is the non-designated heritage assets which are located to the west of the site. Both of these properties are built in the 19<sup>th</sup> century but are different in size and design. Kennel Cottage is a pair of two storey estate cottages built of coursed limestone with a slate roof, while Maude House is a large house built in red brick with a pantile roof.

The Conservation Area is situated on an escarpment that tiers the buildings higher to the east. Views of the development site and the NDHA's from the east are limited due to the sloped landscape and modern development. To the west, there are strong views of Maude House and Kennel Cottage, the views to these would not be altered here but the new development would be more visible within the view. The additional views of a modern development would not however harmfully alter the character of the existing setting, with the strongest views of the NDHAs from the west being retained.

The proposed dwelling is much larger in height and scale than the existing single storey bungalow. However, the proposal appears appropriate in size and scale when compared within the setting of the newer developments in and around the area. It is also similar to the scale of the principle elevation of the NDHA Maude House.

The proposed street elevation also shows that the properties would still be tiered down the escarpment, but it is a minimal difference between the eaves and ridge heights of it and the neighbouring properties. It does however, still largely conform with the character of the area and would be considered to sustain the NDHA setting and retain the characteristics of the CA. The proposed drawings also indicate that the proposed dwelling will be cut into the site on the east side and the land levels then fall to the west. There are however no exact levels shown for the site as a whole and to ensure the land levels remain in character with the area they will be secured through a condition.

The fenestration design and materials proposed for the replacement dwelling are considered to retain the local distinctiveness of the CA and is a betterment in design from the existing. The modern features are discrete and conform with the wider setting of modern development. The development design would meet the mixed historic and modern context, identity and built form of the area as required by Policy S53 and protects the character of the historic environment under Policy S57.

The Conservation officer does not uphold objections to the proposals and also considers that although the proposed development will result in a change to the Conservation area and the setting of the NDHA's; it is not harmful to them.

The proposed development is considered to be of a size, scale and design which protect the character and setting of the historic environment and that of the area. It is therefore considered to meet the requirements of Policies S4, S53 and S57 of the CLLP and guidance within the NPPF.

This is however subject to conditions ensuring appropriate design detail and materials (including hard surfaces) for the development are secured.

#### Landscaping:

The application site contains a number of existing trees and hedgerows within it and running along its boundary.

*Policy S66: Trees, woodland and Hedgerows is therefore applicable and relevantly states:*

*Planning permission will only be granted if the proposal provides evidence that it has been subject to adequate consideration of the impact of the development on any existing trees and woodland found on-site (and off-site, if there are any trees near the site, with 'near' defined as the distance comprising 12 times the stem diameter of the off-site tree). If any trees exist on or near the development site, 'adequate consideration' is likely to mean the completion of a British Standard 5837 Tree Survey and, if applicable, an Arboricultural Method Statement.*

*Where the proposal will result in the loss or deterioration of a tree protected by a Tree Preservation Order or a tree within a Conservation Area, then permission will be refused unless:*

- c) there is no net loss of amenity value which arises as a result of the development; or*
- d) the need for, and benefits of, the development in that location clearly outweigh the loss.*

The proposed development has been submitted with Arboricultural reports and Arboricultural Method Statement documents which clearly shows the location of the trees and hedges on site. It also categorises their quality and amenity value and sets out which trees are to be removed, those to be retained and those to be protected. It concludes out of 35 trees/hedges identified 6 trees and 2 groups will require removal as a result of the development. All of these trees are considered to have a low amenity value. 3 of the trees and 1 group are located to the front of the site where there is a large collection of other trees and some with higher amenity value than those to be removed. The other 3 trees and group are located close to the footprint of the existing dwelling and within the rear garden area. The report also confirms that the trees and hedges with most amenity value are to be retained and root protection measures put in place during construction.

The Tree Officer has not raised any objections to the proposals in terms of the loss of trees and impact upon the character of the Conservation area. They have also advised that the details contained within the report are acceptable.

It is therefore considered that subject to the development being carried out in accordance with the details of these reports and protective fencing being installed in the approved positions prior to any clearance/demolition/works commencing on site, then the development will not result in a net loss of amenity value through the loss of trees. The proposal is therefore considered to be in accordance with Policy S66 and conditions are proposed to secure this.

#### Green wedge

The application site is within the Burton to Nettleton Green Wedge, as allocated within the Central Lincolnshire Local Plan.

In this regard Policy S63: Green Wedges states that:

*'Green Wedges, as identified on the Policies Map, have been identified to fulfil one or more of the following functions and policy aims:*

- Prevention of the physical merging of settlements, preserving their separate identity, local character and historic character;*
- Creation of a multi-functional 'green lung' to offer communities a direct and continuous link to the open countryside beyond the urban area;*
- Provision of an accessible recreational resource, with both formal and informal opportunities, close to where people live, where public access is maximised without compromising the integrity of the Green Wedge;*
- Conservation and enhancement of local wildlife and protection of links between wildlife sites to support wildlife corridors.*

*Within the Green Wedges planning permission will not be granted for any form of development, including change of use, unless:*

- a) it can be demonstrated that the development is not contrary or detrimental to the above functions and aims; or*
- b) it is essential for the proposed development to be located within the Green Wedge, and the benefits of which override the potential impact on the Green Wedge.*

*Development proposals within a Green Wedge will be expected to have regard to:*

- c) the need to retain the open and undeveloped character of the Green Wedge, physical separation between settlements, historic environment character and green infrastructure value;*
- d) the maintenance and enhancement of the network of footpaths, cycleways and bridleways, and their links to the countryside, to retain and enhance public access, where appropriate to the role and function of the Green Wedge; and*
- e) opportunities to improve the quality and function of green and blue infrastructure within the Green Wedge with regard to the Central Lincolnshire Green Infrastructure network and Biodiversity Opportunity Mapping'.*

*'Central Lincolnshire Green Wedge and Settlement Breaks Review April 2016' accessed via <https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library> identifies that: 'The primary role of the Burton to Nettleham GW is to prevent the merging of the settlements of Nettleham and Riseholme to Lincoln, and to protect the character and setting of Lincoln and Riseholme Historic Park and Garden'.*

The application site is located within an established residential area of Burton village and hosts an existing residential property and associated garden area. The proposed development to erect a replacement dwelling is not therefore considered to result in development that would undermine or unacceptably harm the aims and valued characteristics of the green wedge. The proposed development would therefore be considered to be in accordance with the provisions of policy S63 and acceptable in this regard.

### Neighbouring Amenity:

The amenity considerations as set out in Policy S53: Design and Amenity relevantly states that:

*“All development proposals will be assessed against, and will be expected to meet the following relevant design and amenity criteria. All development proposals will:*

#### *7. Uses*

*b) Be compatible with neighbouring land uses and not result in likely conflict with existing uses, unless it can be satisfactorily demonstrated that both the ongoing use of the neighbouring site will not be compromised, and that the amenity of occupiers of the new development will be satisfactory with the ongoing normal use of the neighbouring site;*

*c) Not result in adverse noise and vibration taking into account surrounding uses nor result in adverse impacts upon air quality from odour, fumes, smoke, dust and other sources;*

#### *8. Homes and Buildings*

*d) Not result in harm to people’s amenity either within the proposed development or neighbouring it through overlooking, overshadowing, loss of light or increase in artificial light or glare;*

The application site adjoins other residential properties to the north, east and west. To the north sits Griffinwood, to the east Walnut Garth and to the west Kennel Cottage. Concerns have been raised by the occupiers of these properties in relation to the replacement dwelling and harmful impacts through dominance, loss of light/overshadowing and overlooking/loss of privacy. Concerns have also been raised in relation to noise impacts from the use and siting of the proposed air source heat pump, as well as through construction phase. The parking of construction vehicles has also been noted as a concern and the stability of a boundary wall/glazed structure adjoining Walnut Garth. The latter matter is not however controlled through the planning process. It is a civil matter between the two parties and may be subject to the provisions of The Party Wall etc. Act 1996.

The impacts the proposed development will have on the residential amenity of each neighbouring property is considered individually below.

The residential property known as Griffinwood is located to the north/north west of the application site. Its garden area/tennis court shares a boundary with the rear of the application site and has trees and planting running along it. The existing bungalow is located approximately 31 metres from this shared boundary and more than 50 metres from the neighbouring dwelling. The proposed dwelling is also located at a similar distance away and although it is of a larger size and scale, the substantial amount of separating distance ensures that it does not have any harmful impacts upon the amenity of the occupiers of it.



Walnut Garth is a detached dwelling and located to the east of the application site. It is set just under 1 metre above the ground level of the application site due to the sloping nature of the area. The site and surrounding garden land also slope down from north (rear) to south (front). Consequently, the front of the existing dwelling is approximately 1 metre higher than the street and the rear north boundary of the site approximately 1 metre higher than the site level around the existing dwelling. The existing dwelling has an eaves height of approximately 2.95 metres and ridge height of 5.81 metres. The flat roof garage is 2.75 metres in height.

Walnut Garth is set approximately 2 metre off the shared boundary. Other than the glazed boot room which is built on top of the boundary wall. This glazed room leads into the main open plan kitchen, dining and living area of Walnut Garth. The existing bungalow (attached garage) sits directly alongside the shared boundary and the glazed room. Walnut Garth also has 3 ground floor windows located on the west side elevation as well as a dormer window and sky lights on the roof slope.

The existing dwelling is sited towards the rear end of Walnut Garth and close to the 3 ground floor windows on the side elevation, the glazed room and rear elevation where there are patio doors. This results in the existing dwelling having a clear visual presence from the glazed boot/utility room and does result in shadowing to this area at certain times of the day.

The three ground floor windows also look out onto an existing conifer hedge which screens views out of them and results in shadowing along the west side elevation of the house. The dormer window and skylights in the roof slope are however located in front of the existing dwelling and over the driveway of Squirals Leap.

The proposed dwelling sits 2.57 metres from the shared boundary/glazed room and therefore provides more separating distance between the properties. The double storey, front gable end of the proposed dwelling will be located alongside the rear half of the west side elevation of Walnut Garth and where the 2 windows and glazed room are located. The roof windows in Walnut Garth will still therefore sit in front of the new dwelling and over the driveway of Squirrels Leap. This front gable element of the proposed dwelling measures 8.8 metres in length, 4.5 metres to the eaves and 8.1 metres to the ridge. These heights are however reduced when measuring from the land level running adjacent to the boundary of Walnut Garth and are noted to be 3.9 metres to the eaves and 7.6 metres to the ridge. Views of the proposed dwelling from the two ground floor windows and glazed boot room will therefore be clear and its presence will be more visible than that of the existing dwelling. However, due to the separating distance, and change in land levels, the size and scale of the dwelling as viewed from Walnut Garth is not considered to result in an overbearing and oppressive structure which would have a harmful impact upon the use and enjoyment of the overall ground floor accommodation. Consideration is also given to the fact that the three side windows are already substantially screened by the existing conifer hedge, which is to be retained as part of the development; and the fact the glazed

room sits directly alongside the existing garage and does not provide primary accommodation.

In terms of overlooking from the east side elevation of the proposed dwelling, the only window proposed is in the upper floor and as it serves a bathroom will be obscurely glazed. No harm through overlooking will therefore result from this element of the proposed dwelling and permitted development rights controls any alteration or additional windows in a side elevation of a dwelling house.

The rear aspect of the proposed dwelling, protruding beyond the rear elevation of Walnut Garth is a mixture of single storey and double storey elements. The single storey element is located closest to the boundary and at a distance of 2.57 metres. This element has a flat roof and sits at a height of 3.1 metres when measured from the sunken patio area but 2.59 metres from the land level running adjacent to the boundary of Walnut Garth. The double storey rear element of the proposed dwelling is set back off the shared boundary by 7 metres. The eaves height measure 4.5 metres, and the ridge height 8.1 metres from the sunken patio level. These heights are however reduced when measuring from the land level running adjacent to the boundary of Walnut Garth and are noted to be 3.9 metres to the eaves and 7.6 metres to the ridge, with its roof also sloping away from Walnut Garth. These elements of the proposed dwelling do not therefore result in an overdemanding structure that would harmfully impact the amenity of the occupiers of Walnut Garth.

There are also no upper floor windows on the rear side elevation facing Walnut Garth and the roof lights proposed would be at a height and angle not to result in direct overlooking. The ground floor patio doors are at a height to gain level access into the sunken patio and views would be screened by boundary treatments. The rear dormers would however allow views of the rear garden Walnut Garth. This is nevertheless a typical shared relationship, with the upper floor windows of Walnut Garth looking onto the garden of Squirrels Leap. It is therefore concluded that the proposed dwelling would not result in a harmful presence or harmful impact through overlooking to the rear aspect and garden area of Walnut Garth.

The proposed rear garden levels also result in a sunken patio area to be formed directly outside the rear of the proposed dwelling. The creation of the sunken patio will result in a step up to the land forming the garden area as noted on the block plan and street elevation. The land level of the rear garden appears to be increased by approximately 0.5 metres where it joins the sunken patio but then meets the natural ground level closer to the north boundary. It also appears that the sunken patio will also step up to the natural land level of the site located between the new dwelling and boundary of Walnut Garth. However, no detailed land levels are given for the site as a whole. The specific land levels of the site can however be secured via condition to ensure that the relationship between them and the neighbouring properties remains acceptable.

In relation to loss of light and shadowing it is recognised that the glazed room and two windows on the ground floor of the west side elevation of Walnut Garth are likely to be impacted by the development when the sun is in the west. It is however also noted that these existing windows and glazed room are already subject to some shadowing during this time of the day/evening due to the existing conifer trees and presence of the existing dwelling and garage. The siting and size of the proposed dwelling would no doubt affect the levels of light and shadowing to the west elevation of Walnut Garth, when the sun is in the west. However, they would still have access to sunlight at times when the sun is in the south and south west. Two of the windows/glazed room on the west elevation of Walnut Garth also serve an open plan kitchen, dining and living space which also has access to light through large patio doors located on the rear elevation. The other one is a secondary window serving a lounge. Consequently, although it is recognised that the development will restrict light levels and shadow aspects of the west side elevation of Walnut Garth when the sun is in the west. The impacts of this are not considered to have an unduly harmful impact upon the amenity of the occupiers of Walnut Garth which warrants refusal of the application on these grounds. The rear aspect of the proposed dwelling is also set at a distance away from the boundary that it would not result in a harmful impact through loss of light to the rear aspect of the dwelling or rear garden area.

The overall impacts of the proposed dwelling are not therefore considered to be harmful to the amenity of the occupiers of Walnut Garth and are in accordance with Policy S53 of the CLLP.

Kennel Cottage is a semi detached dwelling and located to the west of the application site. It is set approximately 1 metre below the ground level of the site due to the sloping nature of the area. The site and surrounding garden land also slope down from north (rear) to south (front).

Kennel Cottage has its driveway and single storey flat roof garage running directly alongside the eastern boundary shared with the application site, which is formed of established hedgerow and planting. The living accommodation of Kennel Cottage, including a glazed sun room located on the principle elevation is however set approximately 6.8 metres off the shared eastern boundary. Kennel Cottage also has two upper floor windows and one ground floor window on its east elevation, facing on to the application site.

The existing dwelling is sited in front of the flat roof garage of Kennel Cottage and towards its principle elevation. It has its gable end angled towards the side elevation of Kennel Cottage and is sited 3.29 metres off the western boundary (closest point) and 6.9 metres away at its furthest point. The existing dwelling measures approximately 7.5 metres in length (excluding conservatory), 2.95 to the eaves (from lowest ground level) and 5.81 metres to the ridge (from lowest ground level). This relationship results in the existing dwelling having most visual presence from the driveway of Kennel Cottage.

The double storey, front gable end of the proposed dwelling is set 2.4 metres from the west boundary and there is 12.7 metres between it and the double

storey element of Kennel Cottage (living accommodation). This element of the proposed dwelling will therefore be located in front of the principle elevation of Kennel Cottage and will be visually present from the upper floor windows and glazed room sitting in front of its principle elevation.

This front gable element of the proposed dwelling measures 8.8 metres in length, 4.5 metres to the eaves and 8.1 metres to the ridge. These heights will however be increased by approximately 1 metre when measured from the ground level of the glazed room in front of Kennel Cottages principle elevation. Views of the double storey gable end of the proposed dwelling will therefore be significant from the front aspect of Kennel Cottage and clearly more visible than that of the existing bungalow. However, when looking at the street elevation and details provided on the block plan the eaves height of the proposed dwelling are shown to be similar to that of Kennel Cottage. This helps to reduce the scale of this double storey gable end when viewed from Kennel Cottage and its garden area. Because of this, the 12.7 metres of separating distance between the properties and the driveway running immediately adjacent to the application site. This element of the replacement dwelling is not considered to result in an overbearing and oppressive structure which would have a harmful impact upon the overall residential amenity of Kennel Cottage.

The rear aspect of the proposed dwelling, running along the side elevation of Kennel Cottage is a mixture of single and double storey elements. The single storey element is located closest to the boundary, at a distance of 2.7 metres. There is however 11.4 metres between it and the double storey side elevation of Kennel Cottage, where there are windows. This element has a flat roof and sits at a height of 3.1 metres (excluding lantern). There is also established hedges and planting forming the boundary treatment which provides screening between the two site. The double storey rear element of the proposed dwelling is set back off the shared boundary by 8 metres and 16.7 metres away from the double storey side elevation of Kennel Cottage. The eaves height measure 4.5 metres, and the ridge height 8.1 metres. These elements of the proposed dwelling are not therefore considered to result in an overdemanding structure that would harmfully impact the amenity of the occupiers of Walnut Garth.

The only upper floor window on the west side elevation of the proposed dwelling is located in the front upper gable section and located in front of the principle elevation of Kennel Cottage. It however serves an en-suite and will be obscurely glazed. The roof lights proposed on the double storey rear off shoot would also be at a height and angle not to result in direct overlooking. One ground floor door is also to be located in the double storey gable end in front of the principle elevation and a window and door in the single storey rear element in line with the side and principle elevation of Kennel Cottage. These windows and doors will look primarily onto the driveway area of Kennel Cottage, are at a distance of at least 11 metres from habitable accommodation. Screening is also provided by the boundary treatments and consequently this relationship is not considered to result in harmful impacts through overlooking and loss of privacy. The same conclusion is reached in

relation to the proposed upper floor windows on the rear elevation. With this being a typical relationship between neighbouring properties and in this instance, generous separating distances and screening also being provided.

The proposed rear garden levels also result in a sunken patio area to be formed directly outside the rear of the proposed dwelling. The creation of the sunken patio will result in a retaining wall to be built and continues along the west side elevation of the dwelling and reduce in height with the changes of land levels as they slope down from north to south. The land level of the rear garden also appears to be increased by approximately 0.5 metres but, no detailed land levels are given for the site as a whole. The specific land levels of the site can however be secured via condition to ensure that the relationship between them, the height of the retaining wall and the neighbouring properties remains acceptable.

An air source heat pump is to be located inside of the retaining wall (by the west side elevation of the dwelling). It sits at a distance of 2.5 metres from the boundary, which is formed by established trees and planting and 10 metres from the glazed room on the front elevation of Kennel Cottage. The specification of the air source heat pump has been given on the Block plan and in the energy statement. This confirms it is 0.5 cubic metres and should be set at least 1 metre away from neighbouring boundaries. This would otherwise meet the requirements for permitted development under Government Order (Part 14, Class G), without requiring planning permission. The proposed air source heat pump is therefore considered to be located and of size not to give rise to harm through noise and disturbance.

Noise and disturbance during the demolition and construction phase are also to be expected and given the minor scale of the development no conditions to control this are considered necessary. It is also noted that Environmental Protection legislation is in place for such circumstances, should a statutory nuisance arise.

In relation to loss of light and shadowing it is recognised that the replacement dwelling will impact the neighbouring property and its front garden area when the sun is in the east/south east. However, these elements of Kennel Cottage are south facing and consequently the principle elevation, including sun room and the front garden area will have access to direct sun light when the sun is in the south and west. The Windows in the east side elevation of Kennel Cottage will also have daylight from the sun when in the south and the upper floor windows should remain unaffected by the development.

The rear aspect of the proposed dwelling is also set at a distance away from the boundary that it would not result in a harmful impact through loss of light to the rear garden of the dwelling, which would have access to the sun when in the east. The proposed development is not therefore considered to have an unduly harmful impact on the amenity of the occupiers of Kennel Cottage through loss of light and shadowing.

Conclusion:

The above neighbouring amenity assessment therefore concludes overall that although the proposed dwelling will change the relationship the site and the neighbouring properties have and will impact upon their amenity. Those impacts are not however considered to be harmful to the overall amenity of the occupiers of any of the neighbouring properties and the proposed development is therefore considered to be in accordance with Policy S53 of the CLLP and guidance within the NPPF.

Highway Safety and parking:

Policy S47 sets out that 'Development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported'. Policy S49 relates to adequate parking provision and car parking standards are set out in Appendix 2 of the CLLP. These standards require 3 parking spaces to be provided for the proposed dwelling in its village location.

Paragraph 110 of the NPPF requires that development proposals provide safe and suitable access to all users. While Paragraph 111 states that development proposals can only be refused on highways grounds where there is an unacceptable impact on highway safety, or the wider cumulative impact would be severe.

The proposed development will utilise the existing access serving the existing dwelling and the proposed garage and front driveway area is large enough to provide the required off street parking spaces. No concerns have been raised by the Local Highway Authority in relation to the proposed development, the construction phase of it or highway safety. Consequently, the development is not considered to have an unacceptable impact on highway safety and is in accordance with the requirements of Policies S47 and S49 of the CLLP and guidance within the NPPF.

Flood Risk and Drainage:

Policy S21: Flood Risk and Water Resources relates to development proposals being in areas at the lowest risk of flooding and being adequately drained. In terms of drainage Policy S21 relevantly states that proposals should demonstrate:

*h) that adequate mains foul water treatment and disposal already exists or can be provided in time to serve the development. Non mains foul sewage disposal solutions should only be considered where it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible;*

*and in relation to surface water that:*

*k) that they have followed the surface water hierarchy for all proposals:*

- i. surface water runoff is collected for use;*
- ii. discharge into the ground via infiltration;*
- iii. discharge to a watercourse or other surface water body;*

- iv. discharge to a surface water sewer, highway drain or other drainage system, discharging to a watercourse or other surface water body;*
- v. discharge to a combined sewer;*

*l) that no surface water connections are made to the foul system*

*m) that surface water connections to the combined or surface water system are only made in exceptional circumstances where it can be demonstrated that there are no feasible alternatives (this applies to new developments and redevelopments) and where there is no detriment to existing users;*

The application site is within flood zone 1 with a low risk of flooding. It is also recognised to have a very low risk of surface water flooding. Very limited information has been submitted in relation to a specific drainage scheme for the development, but it is recognised that the existing dwelling is positively drained. On this basis the use of conditions to secure further details, an adequate drainage system and its implementation is considered reasonable. With the use of such conditions the development would be expected to be in accordance with the provisions of Policy S21 of the CLLP and guidance within the NPPF.

Climate Change/Energy Efficiency:

Policy S11 Embodied Carbon states that:

*To avoid the wastage of embodied carbon in existing buildings and avoid the creation of new embodied carbon in replacement buildings, there is a presumption in favour of repairing, refurbishing, re-using and re-purposing existing buildings over their demolition. Proposals that result in the demolition of a building (in whole or a significant part) should be accompanied by a full justification for the demolition.*

*For non-listed buildings demolition will only be acceptable where it is demonstrated to the satisfaction of the local planning authority that:*

- 1. the building proposed for demolition is in a state of such disrepair that it is not practical or viable to be repaired, refurbished, re-used, or re-purposed; or*
- 2. repairing, refurbishing, re-using, or re-purposing the building would likely result in similar or higher newly generated embodied carbon than if the building is demolished and a new building is constructed; or*
- 3. repairing, refurbishing, re-using, or re-purposing the building would create a building with such poor thermal efficiency that on a whole life cycle basis (i.e. embodied carbon and in-use carbon emissions) would mean a lower net carbon solution would arise from demolition and re-build; or*
- 4. demolition of the building and construction of a new building would, on an exceptional basis, deliver other significant public benefits that outweigh the carbon savings which would arise from the building being repaired, refurbished, re-used, or re-purposed.*

A statement has been provided in relation to Policy S11 and explains that a level access home is needed to meet the requirements of the applicant. Consequently, the adaption, retention and extension of the existing building,

with poor levels of thermal efficiency would result in a future property that on a whole life cycle basis would be more damaging to the environment than the opportunity a replacement dwelling provides. The replacement dwelling being designed in accordance with the requirements of Policies S6 and S7, therefore offers an opportunity for a lower net carbon solution than that of the retained and adapted property.

It is therefore concluded that the provision of the new dwelling, being designed to be energy efficient and generate on site solar energy to meet its needs presents a more environmentally viable solution in line with the intentions of Policy S11. The demolition of the existing dwelling is therefore justified and the requirements of Policy S11 met.

Additionally, Policy S6 sets out the overarching principles that relate to design of energy efficient buildings. Policy S7 also outlines a specific requirement for all new residential development to be accompanied by an Energy Statement which confirms that all such residential development proposals:

- 1. Can generate at least the same amount of renewable electricity on-site (and preferably on-plot) as the electricity they demand over the course of a year, such demand including all energy use (regulated and unregulated), calculated using a methodology proven to accurately predict a building's actual energy performance; and*
- 2. To help achieve point 1 above, target achieving a site average space heating demand of around 15-20kWh/m<sup>2</sup>/yr and a site average total energy demand of 35 kWh/m<sup>2</sup>/yr, achieved through a 'fabric first' approach to construction. No single dwelling unit to have a total energy demand in excess of 60 kWh/m<sup>2</sup>/yr, irrespective of amount of on-site renewable energy production. (For the avoidance of doubt, 'total energy demand' means the amount of energy used as measured by the metering of that home, with no deduction for renewable energy generated on site).*

This application has been accompanied by an Energy Statement which concludes that the proposed dwelling will have a space heating demand of 26.83 kWh/m<sup>2</sup>/year, together with a total energy demand of 32.09 kWh/m<sup>2</sup>/year and collectively less than 60 kWh/m<sup>2</sup>/yr. The space heating demand is therefore above what Policy S7 requires. However, the total energy demand of the dwelling is within the limits of the Policy requirements. The Energy statement sets out that the fabric, heating and lighting systems have been considered to help reduce the energy demand of the dwelling. There are however limitations to what can be achieved through the design and fabric of the building. This is due to the sensitivity of the site being in a conservation area and the design of the dwelling and materials used being acceptable in preserving its character and appearance.

The energy statement also confirms that an air source heat pump will be used for heating and hot water demand and that 11 x 415 W photovoltaic panels will be installed on the south west facing pitch roof space of the dwelling. These will have a minimum output capacity of 4.57 kWp and the proposed dwelling will generate / save 3,670.63 kWh of renewable electricity onsite over



the course of the year. Although the report recognises that this amount is not the same yearly amount of electricity as the overall energy demand for the dwelling. It is said to be the maximum amount that is technically feasible giving the limitations of the site and development. In this regard it is recognised that the orientation of the dwelling, its location on the plot, retention of trees and resultant shading are all very fixed, as these are important factors contributing to the character of the Conservation area. The visual presence of the solar panels on the dwelling is also a consideration.

*The verification methods have also been noted in the energy statement and confirm that: The post construction energy performance of the proposed development will be verified by the local planning authority through the submission of an As Built SAP calculation, Energy Performance, Air Permeability Test and appropriate Mechanical Ventilation commissioning certificates. These documents will be commissioned from suitably qualified people as will be the case for the Building Control completion process.*

Consequently, whilst it is considered that there would be some departure from the requirements of Policy S7, the proposal consider and seek to meet the requirements of the Policies. Paragraph 158 of the NPPF in turn also recognises that even small-scale renewable energy production is invaluable in achieving reductions in carbon emissions. This proposal if granted, would achieve a material improvement on the existing dwelling and a move towards using low carbon sources.

This is subject to the imposition of standard conditions relating to the requirement that the proposed development is undertaken in accordance with the submitted Energy Statement and performance measurements.

#### Other matters

None.

#### **Conclusion and Reason for approval:**

The application has been considered against Local Plan Policies Policy S1, S6, S21, S47, S49, S53, S57, S60, S61, S63 and S66 of the 2023 Central Lincolnshire Local Plan and M11 of the Lincolnshire Minerals and Waste Local Plan. The proposals have also been considered against Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Burton Conservation Area Appraisal as well as all other material considerations including guidance with the National Planning Policy Framework.

In light of the assessment outlined in this report, it is considered that subject to conditions, the proposed development is acceptable on its merits. It is therefore recommended that planning permission is granted subject to the following 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. No development shall take place, other than laying of the foundations until a scheme of foul sewage and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in accordance the approved details and prior to the first occupation of the dwelling.

Reason: To ensure appropriate foul sewage and surface water drainage in accordance with the National Planning Policy Framework and Policy S21 of the Central Lincolnshire Local Plan.

Reason

3. The development hereby permitted shall be carried out in full accordance with the details set out in the submitted Energy Statement undertaken by EPS Group and updated on 13/10/2023, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development takes place in accordance with the approved details and in accordance with the provisions of policies S6 and S7 of the Central Lincolnshire Local Plan (2023).

4. Prior to the first occupation of the proposed dwelling taking place a written verification statement shall be submitted to demonstrate that the approved scheme has been implemented in full, in accordance with the submitted Energy Statement undertaken by EPS Group updated on 13/10/2023 and approved in writing by the planning authority

Reason: To ensure that the development takes place in accordance with the approved details and in accordance with the provisions of policies S6 and S7 of the Central Lincolnshire Local Plan (2023).

5. 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:

1803H-21-10A – Site location plan submitted on 05/09/23

1803H-21-14e – Proposed Block Plan submitted on 05/09/23

1803H-21-15j – Proposed Site Plan submitted on 05/09/23

1803H-21-24c – Cross Section Street elevation submitted on 05/09/23

1803H-21-25e – Proposed Elevations and Plans submitted on 05/09/23

6. 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 and Policy S53 of the Central Lincolnshire Local Plan.

7. No development other than laying of the foundations shall take place until a full schedule and samples of external materials (including site surfaces) have been submitted to, inspected on site and agreed in writing with the Local Planning Authority. The samples shall include a 1 metre square panel of stonework and brickwork, bonding and mortar for the elevations, which shall be kept on site until the completion of development.

The development thereafter shall be undertaken in strict accordance with the approved details.

Reason: To preserve the character of the Conservation area and setting of the adjacent heritage assets in accordance with Section 66(1) of the Planning Listed Buildings and Conservation Areas Act and Policy S57 of the Central Lincolnshire Local Plan.

8. No development other than the demolition of the existing dwelling shall take place until finished site levels and retaining structures have been submitted to and approved in writing by the Local Planning Authority. The development must then be completed in accordance with the approved levels and retained thereafter.

Reason: To safeguard the character of the area, Conservation Area and residential amenity in accordance with Policies S53 and S57 of the Central Lincolnshire Local Plan.

9. The proposed development must be carried out in accordance with the arboriculturally method statement undertaken by AWA Tree Consultants dated July 2023. The placing of the protective fencing identified in this report shall also be placed prior to the commencement of development, including demolition works and shall remain in place until the completion of the construction works.

Reason: In the interests of amenity and biodiversity in accordance with Policies S60 and S66 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 the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no domestic oil tanks or domestic gas tanks shall be placed within the curtilage of the dwelling(s) hereby approved.

Reason: In the interests of energy efficiency to accord with policies S6 and S7 of the Central Lincolnshire Local Plan (Adopted 2023).

11. Notwithstanding the provisions of Classes A, AA, B, C, F, G and H of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 (as amended), or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, and no buildings or structures shall be erected within the curtilage of the dwelling 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 living conditions of adjoining dwellings and to safeguard the character and appearance of the surrounding area and landscape in accordance with Policies S53 and S57 of the Central Lincolnshire Local Plan and guidance within the NPPF.

12. The upper floor windows on the East and West elevations shall be obscurely glazed prior to the first occupation of the dwelling and retained in perpetuity thereafter.

Reason: In the interest of residential amenity in accordance with Policy S53 of the Central Lincolnshire Local Plan.

**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

