

Development Management Delegated Decision Report

B/24/0058



SUMMARY OF APPLICATION			
Application Reference	B/24/0058		
Application Type	Full Planning Permission		
Proposal	Application under S73 for the variation of Condition C2 (standard compliance) of permission B/23/0049 (Proposed Loft Conversion)		
Location	10, Freshney Way, Boston PE21 7PZ		
Applicant	Mr M Slater		
Agent	Mr A Barton		
Received Date:	06-Feb-2024	Consultation / Publicity Expiry Date:	11-Mar-2024
Valid Date:	12-Feb-2024	Statutory Expiry Date:	08-Apr-2024
Date of Site Visit:	19-Feb-2023	Extension of Time Date:	---
Objections received?	None		
5 day notification record:			
Councillors notified	Date	Response received – date	Ok to continue
Recommendation	Approve with Conditions		
Report by:	Emma Turvey		
Date:	6 th March 2024		

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site consists of a single storey dwelling, located on the southern-most point on Freshney Way which is within the settlement of Boston. The dwelling is located in a predominantly residential location with two-storey dwellings located either side and to the rear. The site also includes a long gravel driveway leading up to a detached garage and gardens to the rear. Boundary treatments include close-boarded fence along the driveway and a 3m high conifer hedge around the majority of the site.

DETAILS OF PROPOSAL:

Permission was approved in 2023 to convert the loft space into habitable rooms which included the installation of Velux windows and one uPVC window in the rear (north-east) elevation. This application seeks permission to make the following amendments:

- Raise the roof height by 150mm to create a service void at first floor level;



- Change in the arrangement of Velux roof windows to bedroom 4; and
- Change window in the rear elevation to french doors with Juliet balcony.

RELEVANT HISTORY:

B/23/0049 – Proposed loft conversion – Approved.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

South East Lincolnshire Local Plan (2019)

The following policies contained within the South East Lincolnshire Local Plan (2019) (i.e. SELLP) are relevant to this application:

- Policy 2: Development Management;
- Policy 3: Design of New Development; and
- Policy 4: Approach to Flood Risk.

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2023)

At the heart of the 2023 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 4: Decision-making;
- Section 12: Achieving well-designed and beautiful places; and
- Section 14: Meeting the challenge of climate change, flooding and coastal change.

National Planning Practice Guidance (PPG)

CONSULTATION RESPONSES:

Lincolnshire County Council (Local Highway and Lead Local Flood Authority) does not wish to object to this planning application as it will not have an adverse impact upon the public highway or surface water flood risk.

THIRD PARTY REPRESENTATIONS RECEIVED:

Two letters of support have been received from neighbouring dwellings (No's 6 & 16), stating that the proposed development will not result in a visual change to the property and it will not have any impact on the character of the area.

EVALUATION:

Section 73 of the Town and Country Planning Act instructs a Local Planning Authority to consider only the question of the planning condition's subject. If it is considered acceptable, the LPA can grant permission accordingly, i.e. with or without the imposition of a condition. If the LPA decides that planning permission should be granted subject to the same conditions as those to which the previous permission was granted, it should refuse the application.

Given the decision on B/23/0049, the principle of development has already been judged to be acceptable in principle. Section 73 directs the LPA to consider only the question of

the condition's subject. In this case, the application seeks to vary the approved plans condition which controls the appearance of the development – no changes are proposed to finished floor levels or to create ground-floor sleeping accommodation.

As such, the key considerations in regard to this application are:

- impacts on the character and appearance of the area; and
- impacts on neighbours' amenity

Impacts on the character and appearance of the area

Policy 2 of the SELLP indicates that developments will be permitted which will not have harmful impacts upon the character and appearance of the area. Policy 3 states that all developments must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.

Under the original application B/23/0049 permission was approved for a loft conversion, which included the installation of a window in the rear elevation and Velux roof lights. This proposed amendments are concentrated to the rear of the dwelling and includes replacing a window to a Juliet balcony, a minor increase to the height of the roof by 150mm which is necessary to allow the existing plumbing and electrical services to remain in place and a change to the arrangement of the Velux rooflights. Due to the location of the amendments proposed being towards the rear of the existing dwelling it is considered that they would not have an impact on the visual appearance of the site.

The proposal is therefore considered acceptable in this respect and is in accordance with SELLP Policies 2 and 3.

Impacts on neighbours' amenity

Policies 2, 3 and 30 of the SELLP seek to ensure that a new development does not significantly impact neighbouring land uses by reason of noise, odour, disturbance or visual intrusion.

Paragraph 130 of the NPPF (2023) seeks, amongst other things, to create places that are safe, inclusive and accessible. Furthermore, it advocates the promotion of health and well-being, with a high standard of amenity for existing and future users. Crime and disorder, and the fear of crime, should not undermine the quality of life or community cohesion and resilience.

The proposed amendments to the previous approval are considered minor. The small increase to the roof height will only increase the height by 150mm and will not result in any overshadowing or loss of outlook issues, the changes to the arrangement Velux rooflights will not cause any overlooking issues and the installation of french doors with a Juliet balcony in place of a window which will not incur any increased risk of overlooking or loss of privacy as the additional glazing will be lower down than what was originally approved.

No objections have been received from neighbouring dwellings.

The proposed amendments are therefore deemed acceptable and in accordance with SELLP policies 2 and 3.

CONCLUSION:

When compared to the existing approval (B/23/0049), the proposed amendments to the approved plans would not have a detrimental impact on the character and appearance of the area or on the neighbours' amenity and as a result accords with policies 2, 3 and 4 of the SELLP 2019.

RECOMMENDATION: Approve with Conditions

CONDITIONS / REASONS			
Pre-commencement conditions?		Agreed with applicant/agent - Date:	
1	The development hereby permitted shall be begun before 31 March 2026. Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.		
2	The development hereby permitted shall not be carried out except in complete accordance with the following details shown on the submitted plan(s): <ul style="list-style-type: none">▪ Site Location Plan▪ MS/1 Amended Plan - Floor Plans and Elevations, Site Plan Reason: To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan 2019, and guidance contained in the National Planning Policy Framework (2023).		

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE

STATEMENT OF PROACTIVE WORKING:

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2023 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.