

Development Management Delegated Decision Report

B/20/0262



SUMMARY OF APPLICATION				
Application Reference	B/20/0262			
Application Type	Full Planning Permission			
Proposal	Proposed two storey side and rear extensions and alterations			
Location	15, Pilleys Lane, Boston, PE21 9RA			
Applicant	Mr & Mrs W Qadir			
Agent	Mr Simon Robinson, Studio 21 Design Ltd			
Received Date:	21-Jul-2020	Consultation Expiry Date:	14-Aug-2020	
Valid Date:	21-Jul-2020	Statutory Expiry Date:	15-Sep-2020	
Date of Site Visit:	14-Sept-2020	Extension of Time Date:		
Objections received?	Yes			
5 day notification record:				
	Councillors notified	Date	Response received – date	Ok to continue
	Jonathan Noble	17.9.2020	18.9.2020	Yes
	Judith Skinner	17.9.2020	18.9.2020	Yes
	Paul Skinner	17.9.2020	No	Yes
Recommendation	REFUSE Planning Permission			
Report by:	Simon Eldred			
Date:	23 rd September 2020			

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site is located on the southern side of Pilleys Lane, Boston. It contains a detached, two-storey dwelling with a garden and drive at its front, and a garden at its rear. The site has agricultural land to its south, but the Lane is almost entirely built-up with ribbons of dwellings on both sides and, as a consequence, has a predominantly residential character.



DETAILS OF PROPOSAL:

It is proposed to:

- erect a side/rear extension onto the dwelling's eastern/southern elevations. The extension will provide: a utility room, a kitchen, and a living room on its ground-floor; and a bedroom and en-suite at first-floor level. It will measure 9.15m x 5.84m in plan, and the majority will stand two-storeys in height (7.20m at ridge level and 5.24m at eaves-level). The southern-most 4m will be single-storey only, standing 3.12m high and having a flat-roof. It will approach within approximately 2m of the boundary with the neighbouring dwelling (Stump House, 13 Pilley's Lane) at its closest point (3.7m at its furthest). It will be constructed in brick and tile to match the existing dwelling, and will have: a ground-floor and first-floor window in its front (northern) elevation; windows and french-doors in its rear (southern) elevation; two partially-glazed doors and two ground-floor windows in its side (eastern) elevation; french-doors and windows at ground-floor level and french-doors with a Juliet balcony at first-floor level in its side (western) elevation; and a roof lantern above the single-storey element;
- erect a pitched-roof, two-storey side/rear extension onto the dwelling's western/southern elevations. The extension will provide: a study, lobby and shower room on its ground floor; and an extension (including an en-suite) to an existing bedroom on the first floor. It will measure 4.86m x 7.86m in plan, and will stand 6.36m high at ridge-level (4.43m at eaves level). It will approach within approximately 75cm of the boundary with the neighbouring dwelling (17 Pilley's Lane) at its closest point (3m at its furthest). It will be constructed in brick and tile to match the existing dwelling, and will have: a partially-glazed door and a first-floor window in its front (northern) elevation; french-doors and windows at ground-floor level and a first-floor window in its southern (rear) elevation; and two ground-floor and two first-floor windows in its side (western) elevation.

RELEVANT HISTORY:

In 2019, full planning permission (B/19/0010) was granted for two-storey side extensions and a single-storey rear extension.

In 2020, an application (B/20/0129) for proposed two-storey side, rear and front extensions was withdrawn.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

The **South East Lincolnshire Local Plan 2011-2036** shows the site as being within the Countryside, approximately 190m from the nearest Settlement Boundary (Boston), and within the Safeguarding Corridor. The relevant Policies of the Local Plan are:

- Policy 1: Spatial Strategy;
- Policy 2: Development Management;
- Policy 3: Design of New Development;
- Policy 4: Approach to Flood Risk;
- Policy 33: Delivering a More Sustainable Transport Network; and
- Policy 36: Vehicle and Cycle Parking.

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2019)

At the heart of the 2019 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 4: Decision-making;
- Section 9: Promoting sustainable transport;
- Section 12: Achieving well-designed places; and
- Section 14: Meeting the challenge of climate change, flooding and coastal change.

CONSULTATION RESPONSES:

Councillor J Skinner objects to the proposals, on the basis that:

- they represent a significant over-development of the site which will be out-of-character with neighbouring properties;
- six cars are commonly parked at the dwelling, and the proposals will both increase demand for parking and reduce the area available for parking;
- the proposals include large windows overlooking the neighbouring property, with harmful impacts upon their privacy. Although it is suggested that a 1.8m fence will be erected, that border belongs to 13 Pilley's Lane; and
- the proposals approach very close to the boundary on one side.

Fishtoft Parish Council objects to the proposals because: of their size; they will be out-of-character; they will overlook neighbours; there will be a lack of room to park extra cars; and the extra en-suites will overload local drainage.

The Witham Fourth District Internal Drainage Board asks to be contacted if any changes are proposed to the surface water or treated water disposal arrangements stated in the application.

THIRD PARTY REPRESENTATIONS RECEIVED:

The occupants of a neighbouring dwelling (13 Pilley's Lane) indicate that a 1.8m-high boundary fence (as shown on the Block Plan) does not exist, and object to the proposals on the basis that:

- the proposed two-storey side/rear extension (as a consequence of its height and proximity) will block light to their conservatory/sunroom and windows serving their sitting room and bathroom;
- the proposed single-storey rear extension will impact upon their privacy (it will have windows looking into their garden and sunroom and the roof lantern will offer views into their first-floor bedroom window);
- the proposal will reduce the area available for car parking, intensifying the use of the drive at the front of the property – this will impact the amenity of their property and the safety of the Lane, unless a turning area is incorporated.

They ask that, if the application is permitted, conditions should be applied to:

- ensure that the single-storey rear extension includes no windows in its eastern elevation and no roof lantern;
- require the erection of a 2m-high close-boarded fence along the boundary between nos 13 and 15 before building work commences; and
- require the proposed additions to the driveway to be completed before building work commences and/or the provision of a turning area.

The occupants of a neighbouring dwelling (17 Pilley's Lane) object to the proposals on the basis that they will: impact upon their property; and will be out-of-character with surrounding properties.

The occupants of three further dwellings in the vicinity (7, 10 and 25 Pilley's Lane) object to the proposals on the basis that:

- the proposals are too large for the plot;
- there will be insufficient parking, potentially leading to dangerous on-street parking on a bend;
- unless a turning head is provided, vehicles will be required to reverse into the Lane; and
- there will be adverse impacts upon neighbouring properties.

EVALUATION:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the Plan unless material considerations indicate otherwise. The key considerations in regards to this application are: matters of principle; impacts on the character and appearance of the area; impacts upon neighbours' amenities; flood risk; whether sufficient car parking will be available; impacts on highway safety; and impacts upon the delivery of the Boston Distributor Road.

Principle – Policy 1 of the Local Plan identifies that, in the Countryside, development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. It is considered that extensions to an existing dwelling meet these requirements of Policy 1.

Character of the area – Policy 2 of the Local Plan indicates that developments will be permitted which will not have harmful impacts upon the character and appearance of the area, and a number of objectors argue that the proposals will have such impacts.

Although Pilley's Lane is located in the Countryside and has no footways, it is considered that it has a predominantly suburban character. The Lane is built-up with unbroken ribbons of houses and bungalows of varied designs, with a similar set-back from the Lane.

Views into the application site from Sibsey Road will be distant and will be largely obscured by the conifer hedge (estimated to have a height of 3m) at the site's rear boundary. Whilst the proposed extensions will be far more visible from Pilley's Lane, they are respectful of the character of the existing dwelling in terms of their design and materials and, although they are significant in scale, will not greatly change the original dwelling's appearance. The extensions are set back significantly behind the front elevation of the original house and are lower in height and, as a consequence, will appear subordinate. The curtilage will still contain significant areas of undeveloped land and, although the extended dwelling will almost fully fill the width of its plot (with gaps of approximately 2m and 0.75m to the property boundaries on either side), other dwellings elsewhere along the Lane fill their plots to a similar degree.

The proposals involve the widening of the existing driveway in front of the house to enable it to accommodate parked cars – with the effect of bringing car parking within the site closer to the Lane than at present. Although this will potentially lead to a relatively minor change to the appearance of the application site, it is not considered that this will be out-of-character with the overall character of the Lane, which is predominantly suburban.

All in all, and notwithstanding the objections, it is considered that the proposals will not have unacceptably harmful impacts upon the area's character and appearance, and it is therefore considered that the proposals meet these requirements of Policy 2.

Neighbours' amenities – Policies 2, 3 and 30 require the amenities of neighbouring land users to be protected, and a number of objectors argue that the residential amenities of neighbouring dwellings would be undermined. The application site has agricultural land to its south, and it is not considered that the proposed extensions will have any adverse impact upon this neighbouring land user. Furthermore, given that the extensions will be located some 60m from the dwellings on the opposite side of the Lane, it is considered that no adverse impacts will be caused. However, impacts upon the dwellings to the west and east require more detailed consideration.

17 Pilley's Lane is located immediately to the west of the application site, with the dwelling located approximately 4m from the common boundary. The dwelling has two ground-floor windows looking towards the application site, which appear to serve an integral garage. These windows are separated from the application site by a 2m-high close-boarded fence. The extension will have ground and first-floor windows in its western elevation, but it is considered that they will have no adverse impacts upon no. 17 in terms of overlooking or loss of privacy because: the fence and existing shrubs/trees will interrupt views from the extension's ground-floor windows; and its first-floor windows will look only towards a windowless elevation. However, the extension is large (4.4m high at eaves-level) and is proposed to be located very close to the boundary (within 75cm at its closest point), and consequently there are concerns that it may have oppressive, overbearing impacts upon no. 17. However, given that the only window openings looking towards the extension serve a garage, and that the space between the garage and the boundary appears to be a relatively narrow access-way, it would be difficult to argue that impacts in terms of over-shadowing, loss of light, or harm to outlook will be sufficiently severe to merit a refusal. Crucially, also the extension proposed is identical to that permitted under reference B/19/0010 in terms of its potential for impacts upon no.17 (i.e. in terms of its height, proximity and window openings).

Stump House, 13 Pilley's Lane is located immediately to the east of the application site, and the dwelling is located approximately 2m from the common boundary. The dwelling has 2 ground-floor and 1 first-floor windows, looking towards the application site. Although the first-floor window is obscure-glazed (and presumably serves a bathroom) it appears that the ground-floor windows serve habitable rooms. These windows are separated from the application site by a close-boarded fence with an estimated height of 1m, supplemented by taller evergreen plants. Although the extension will have no first-floor windows in its eastern elevation, it will have a partially-glazed door and a ground-floor window which will look towards no. 13's ground-floor windows, at a distance of approximately 4m. Although views will be partially obscure by evergreen plants, it is considered that the proposals will have harmful impacts upon Stump House in terms of overlooking/loss of privacy. Similarly, the proximity and scale of the proposed extension (5.24m high at eaves level and approximately 4m distant) will mean that Stump House's ground-floor windows will suffer harmful impacts in terms of over-shadowing/loss of light and harm to outlook. It is considered that these impacts will be significantly more severe than would be caused by the erection (without the need for planning permission) of a 2m fence at the boundary. Overall, the proposals could be best described as un-neighbourly and oppressive.

The occupants of Stump House argue that the windows in the single-storey part of the extension will also impact upon the privacy of their dwelling. However, it is considered that, given the distances involved (approximately 11m separation between the proposed extension's windows and those in the Stump House's rear elevation), any such impacts will not be sufficiently severe to merit refusal. The occupants of Stump House also argue that the windows in the single-storey parts of the extension will impact upon the privacy of their rear garden and, while these windows will be within approximately 4m of the boundary and the existing boundary hedge contains gaps, it is not considered that any privacy impacts will be sufficiently severe to merit refusal. Lastly, the occupants of Stump House argue that the use of the drive at the front of the application site for parking will impact the amenity of their property. Given that car parking within the application site is currently located at the boundary with Stump House, it is not considered that its relocation slightly further north will have any undue negative impacts.

In all, however, it is considered that the proposed extension will have unacceptably severe impacts upon the amenities of Stump House, contrary to the requirements of Policies 2, 3 and 30 of the South East Lincolnshire Local Plan.

Flood risk - Policy 4 of the Local Plan seeks to ensure that new development is not unnecessarily exposed to flood risk, and does not increase flood risk elsewhere. The application is accompanied by a Flood Risk Assessment which identifies potential sources and likely severity of flooding, and:

- indicates that the ground floor level of the proposed extensions will be no lower than that of the original dwelling (approximately 150mm above the external ground level);
- indicates that a safe point of refuge for all occupants will be available at first-floor level; and
- identifies appropriate flood warning procedures.

It is considered that the proposals meet the requirements of Policy 4.

Off-street parking - Policy 36 of the Local Plan indicates that all new development should provide vehicle and cycle parking in accordance with the minimum parking standards set out in Appendix 6. A number of objectors argue that the parking provision proposed within the site will be inadequate and will lead to increased on-street parking.

Although the proposals involve significant extension to the existing dwelling, they do not increase the number of bedrooms – the dwelling will continue to have 4 bedrooms. Appendix 6 of the Local Plan identifies that at least 3 car parking spaces should be provided within the curtilage of a dwelling with 4 or more bedrooms and at least 1 space for the parking of a bicycle. Thus, in order to comply with the Policy's requirements, space for the parking of at least 3 cars and 1 bicycle should be provided within the application site.

The proposals involve the development of an existing length of driveway to the east of the house, which will reduce space available for vehicle parking - space which could accommodate perhaps 3 cars will be lost. In compensation, the proposals involve the widening of the remaining length of driveway in front of the house – approximately doubling its width. Once widened, it is considered that the drive will provide sufficient space for the parking of 3 cars, whilst still providing adequate circulation/manoeuvring

space. Whilst no specific provision for cycle parking is shown, the curtilage is large and provides many opportunities for cycle storage.

In all, it is considered that the application accords with the provisions of the Local Plan in terms of parking provision.

Highway safety – Policy 2 of the Local Plan identifies access and vehicle generation levels as a sustainable development consideration, and a number of objectors argue that the proposals will have adverse impacts on highway safety on Pilley's Lane.

The proposals do not involve the creation of a new vehicular access and do not increase the number of bedrooms that the house provides, but objectors are concerned that inadequate manoeuvring space will be available within the curtilage - requiring vehicles to reverse onto Pilley's Lane. The proposals involve the widening of the driveway between the house and the Lane (approximately doubling its width) and show the expansion of the existing turning head located immediately in front of the house. It is considered that these measures will provide sufficient space for car parking, whilst still providing adequate circulation/manoeuvring space. Furthermore, traffic on the Lane is subject to a 30MPH speed limit, and there are no obstacles (such as fences, walls or hedges) to obscure or compromise visibility in either direction.

Notwithstanding the objections, it is considered that the proposals will not have unacceptable impacts upon highway safety, and it is therefore considered that the proposals meet these requirements of Policy 2.

Boston Distributor Road – The application site falls within the Safeguarding Corridor as defined in the South East Lincolnshire Local Plan 2011-2036. Within this Corridor, Policy 33 indicates that development will not be permitted if it will prejudice the design of Phase 3 of the Boston Distributor Road. It is considered that the proposals will not in any way prejudice the design or delivery of the Boston Distributor Road, and therefore meet these requirements of Policy 33.

CONCLUSION:

The proposals:

- will not have unacceptably harmful impacts upon the character and appearance of the area;
- are acceptable in flood risk terms;
- include adequate provision for vehicle parking;
- will not have unacceptable impacts upon highway safety; and
- will not prejudice the design or delivery of the Boston Distributor Road.

However, the proposals will have unacceptable impacts on the amenities of Stump House, 13 Pilley's Lane, and therefore does not meet the requirements of Policies 2,3 and 30 of the South east Lincolnshire Local Plan 2011-2036. Consequently, it is considered that planning permission should be refused.

RECOMMENDATION:

REFUSE Planning Permission for the following reason:

CONDITIONS / REASONS			
Pre-commencement conditions?		Agreed with applicant/agent - Date:	
<p>1. The proposal, by virtue of its scale, proximity to the dwelling to the east (Stump House, 13 Pilley's Lane), and window/door openings in its eastern elevation will result in an inappropriate and un-neighbourly form of extension that will create an oppressive form of development with unacceptable impacts upon Stump House, 13 Pilley's Lane and its amenities as a result of overshadowing/loss of light, harm to outlook, overlooking/loss of privacy and general dominance. As a consequence, the proposal is contrary to the provisions of Policies 2, 3 and 30 of the South East Lincolnshire Local Plan 2011-2036.</p>			

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE
<p><u>STATEMENT OF PROACTIVE WORKING:</u> In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.</p>