

Development Management Delegated Decision Report

B/21/0252



SUMMARY OF APPLICATION

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Application Reference	B/21/0252		
Application Type	Full Planning Permission		
Proposal	Application under s73 for the variation of condition 2 (approved plans) attached to planning permission B/16/0197 to include the construction of an additional bedroom above the garage/utility		
Location	Land adj to 38, Brand End Road, Butterwick, Boston PE22 0JD		
Applicant	Mr John Skinner		
Agent	Mr Arthur Barton		
Received Date:	28-May-2021	Consultation Expiry Date:	26-Jun-2021
Valid Date:	28-May-2021	Statutory Expiry Date:	23-Jul-2021
Date of Site Visit:	01-Jul-2021	Extension of Time Date:	N/R
Objections received?	None		
5 day notification record: N/A			
Councillors notified	Date	Response received – date	Ok to continue
Recommendation	APPROVE		
Report by:	Emma Dennis		
Date:	01/07/2021		

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site is currently under construction and consists of the house up to ground floor window height. The site is inaccessible due to Heras fencing to the front boundary.

The site is located amongst other residential dwellings with two-storey dwellings either side and opposite and agricultural fields to the rear.

DETAILS OF PROPOSAL:

This application seeks permission to vary condition 2 of planning approval B/16/0197 which relates to the approved plans and currently reads:

“The development hereby permitted shall be carried out in strict accordance with the application received 23rd May 2016 and in accordance with the associated plans referenced: -

1/5 Site Location Plan Drwg no. J1263-PL-01 Rev. A01



2/5 Proposed Block Plan Drwg no. J1263-PL-02 Rev. A01
3/5 Proposed Floor Plans Drwg no. J1263-PL-03 Rev. A01
4/5 Proposed Roof Plan and Section Drwg no. J1263-PL-04 Rev. A01
5/5 Elevations Drwg no. J1263-PL-05 Rev. A01

And the submitted Flood Risk Assessment dated 13th March 2016

Reason: To ensure the development is undertaken in accordance with the approved details, in the interest of residential amenity and to comply with saved Policy G1 of the Adopted Plan."

The proposed change relates to the addition of a forth bedroom which will be constructed above the approved bedroom i.e. first floor extension. There is a window proposed in the front and rear elevation and the amendment will not include a change in the property's footprint.

RELEVANT HISTORY:

B/16/0197 – Erection of a detached dwelling with access, parking, landscaping and integral garage.
Granted – 26/07/2016

B/16/0197/CD1 Application to have details approved relating to condition 3 (brick and tiles) of planning permission B/16/0197.
Approved – 19/06/2019

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

South East Lincolnshire Local Plan (2011-2036)

The following policies contained within the South East Lincolnshire Local Plan (2011-2036) (i.e. SELLP) are relevant to this application:

- Policy 2: Development Management;
- Policy 3: Design of New Development; 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 2: Achieving sustainable development;
- Section 4: Decision-making; and
- Section 12: Achieving well-designed places.

National Planning Practice Guidance (PPG)

CONSULTATION RESPONSES:

Witham Fourth District IDB have requested that they are to be contacted if any changes to the surface or treated water disposal arrangements than stated in the application.

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations have been received.

EVALUATION:

Section 73 of the Town and Country Planning Act instructs a Local Planning Authority to only consider 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 they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

Given the decision of the planning permission B/16/0197, the development has already been judged to be acceptable in principle. Section 73 of the Act directs a Local Planning Authority to only consider the question of the condition's subject.

In this case the application seeks to vary the approved plans to insert a front and rear window into the property and to extend the property at first floor to create a fourth bedroom. The determination of this application will not result in an alteration of the approved development or indeed the description of the original approval. Condition 3 (brick and roof tile) on the existing proposal (B/16/0197) has been discharged therefore the brick and tile approved under B/16/0197/CD1 is to be used for this additional bedroom.

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

- Impact on the character and appearance of the area;
- Impact on amenity; and
- Highway safety and parking

Impact 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.

Planning permission has already been approved for residential development of the site and development has commenced. The addition of an additional bedroom above the proposed garage will be viewable from the public highway. It is noted that the adjacent property, 38 Brand End Road has an extant permission for a first floor side extension above the garage, similar to this application. This extension would be sited adjacent to the easterly boundary of the site.

Indeed the proposed extension would close up the available space with 38 Brand End Road leaving an intervening space measuring 2.6 metres between the properties. However, taking into account the resulting space and difference in roof shapes it is considered the proposed extension would not be untoward to its setting within the streetscene. The resulting

separation and relationship between the properties are reflected between the existing properties continuing westerly on the northerly side of Brand End Road.

As such it is considered to be a relatively minor addition to this dwelling which will be of no greater detriment to the character of the area.

To conclude it is considered that this proposal is in accordance with SELLP policies 2 and 3.

Impact on amenity

SELLP Policy 2, 3 and 30 advocate that a proposed development should consider if there is an impact on the amenity of the site and neighbouring sites as well as the impact upon neighbouring land uses in terms of noise, odour, disturbance or visual intrusion.

Paragraph 127 of the NPPF (2019) seeks, amongst other things, to create places that are safe, inclusive and accessible and which promote health and well-being. Furthermore, the NPPF advocates a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

No.38 adjoins the application site on the eastern boundary and currently has a first floor side window which faces the application site. However, a material consideration is extant permission which shows no windows in the side of the first floor extension recently approved.

Notwithstanding the extant permission (which has no first floor side windows) it is considered that the proposed first floor extension above the garage will reduce light and outlook to the existing side window. However, given this window serves a landing it is considered this to be non-habitable and a reduction of light or outlook to this opening would not significantly harm the overall enjoyment of the property. There will be no significant loss of amenity in terms of overlooking or loss of privacy given there are no windows in the side of the proposed extension.

In respect of the impact on the occupiers of the adjacent dwelling, the proposal is considered to accord with SELLP Policies 2 and 3.

Highway safety and parking

Policy 36: Appendix 6 of the SELLP relates to parking standards. It requires 2 spaces for dwellings with up to three bedrooms and 3 spaces for dwellings with 4 or more bedrooms. It also requires 1 cycle space within each residential plot.

The parking arrangements have not been changed as part of this proposal. There are still two parking spaces and one garage space which is acceptable under Policy 36.

There is a vehicle turning area in front of the garage to allow vehicles to leave the site in front gear. It is considered that the proposed extra bedroom would not incur a major increase of traffic and compromise visibility on this part of Brand End Road.

CONCLUSION:

When compared to the original approval, the proposed changes will not be of no greater detriment than the original approved scheme. No objections have been received from the neighbouring properties or consultees.

To conclude this proposal is considered to be an acceptable and accords with Policies 1, 2, 3 and 36 of the SELLP and Sections 2, 4 and 12 of the NPPF.

RECOMMENDATION:

APPROVE with the following conditions and reasons:-

CONDITIONS / REASONS	
Pre-commencement conditions?	Agreed with applicant/agent - Date:
1	<p>The development hereby permitted shall be carried out in strict accordance with the original application received 23 May 2016, where expressly amended by this application received 28 May 2021 and in accordance with the associated plans referenced:</p> <ul style="list-style-type: none"> ▪ Site Location Plan Drwg no. J1263-PL-01 Rev. A01 ▪ JS/2 Roof and Block Plan ▪ JS/3 Proposed amendment for additional bedroom <p>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 and 3 of the South East Lincolnshire Local Plan 2011-2036.</p>
2	<p>The development hereby approved shall be constructed in accordance with the materials approved on 20 June 2019 under B/16/0197/CD1 namely:</p> <p>Brick – Ibstock Ormonde Antique Blend Roof tiles – Marley Modern Smooth Grey</p> <p>Reason: To ensure that the proposed development is in keeping with the character of the area in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan 2011-2036.</p>

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 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.