

Development Management Delegated Decision Report

B/23/0088



| SUMMARY OF APPLICATION | | | |
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| Application Reference | B/23/0088 | | |
| Application Type | Full Planning Permission | | |
| Proposal | Application under s73 for the variation of Condition 3 (Removal of permitted development rights for extensions and roof lights) to non-openable roof lights of permission B/13/0033 | | |
| Location | 3, Old Mill Court, Boston PE21 7QZ | | |
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| Applicant | Mr M Narbutas | | |
| Agent | Mr Nick Overton, NiCAD Consultancy Services Ltd | | |
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| Received Date: | 28-Feb-2023 | Consultation / Publicity Expiry Date: | 11-May-2023 |
| Valid Date: | 13-Mar-2023 | Statutory Expiry Date: | 08-May-2023 |
| Date of Site Visit: | 03-Apr-2023 10-May-2023 | Extension of Time Date: | 16-May-2023 |
| | | | |
| Objections received? | No | | |
| 5 day notification record: | | | |
| Councillors notified | Date | Response received – date | Ok to continue |
| N/A | N/A | N/A | N/A |
| | | | |
| Recommendation | Approve with Conditions | | |
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| Report by: | Charlie Parry | | |
| Date: | 10-May-2023 | | |
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OFFICER REPORT

SITE AND SURROUNDINGS:

The site to which the application relates is a residential property located on Old Mill, within the settlement of Boston. The property is single storey and is constructed from facing brick and has a pitched roof. The dwelling has an offshoot that is perpendicular to the main dwelling. There is also a detached garage located slightly to the north of the main dwelling.

Work has started on the site and is completed.

DETAILS OF PROPOSAL:

An application has been submitted under Section 73 of the Town and Country Planning Act (1990) to vary condition 3 (Removal of permitted development rights for extensions and roof lights) to allow non-openable roof lights of permission B/13/0033.



RELEVANT HISTORY:

The site has extensive planning history dating back to 2003. The more relevant applications are listed below:

B/03/0134 - Construction of seven houses and associated access
Refused: 16.07.2003

B/05/0049 - Construction of 6 houses, 3 bungalows and 1 chalet bungalows
Granted: 31.03.2005

B/09/0238 - Erection of a single storey dwelling and associated garage
Granted: 28.08.2009

B/09/0238/NMA - Application under s.96A for a non-material amendment to approval B/09/0238 (Erection of a single storey dwelling and associated garage) to add a standard compliance condition to the approval
Granted: 21.01.2013

B/13/0033 - Application under s.73 for variation of condition 9 attached to planning permission B/09/0238 (single storey dwelling and garage) in order to change the design and height of the approved bungalow, extend its depth and add a porch to the west side
Granted: 18.03.2013

B/09/0238/NMA2 - Application for a non-material amendment following approval B/09/0238 to insert 4no velux windows in the kitchen/dining room (2no either side of pitched roof)
Refused: 25.01.2023

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
- Policy 28: The Natural Environment

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2021)

At the heart of the 2021 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 4: Decision-making
- Section 5: Delivering a sufficient supply of homes
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change

- Section 15: Conserving and enhancing the natural environment

National Planning Practice Guidance (PPG)

CONSULTATION RESPONSES:

None requested or received.

THIRD PARTY REPRESENTATIONS RECEIVED:

None received.

EVALUATION:

The application is made under Section 73 of The Town and Country Planning Act 1990 and the Local Planning Authority is only permitted to consider the question of the conditions attached to the planning permission.

The erection of the bungalow and garage was initially granted under application B/09/0238 and subsequently amended under application B/13/0033. The principle of the development is therefore not under consideration.

This application seeks amendments to Condition 3 of application B/13/0033 in order to allow the installation of non-opening roof lights.

The Impacts of Amending Condition 3 to allow Non-Opening Roof Lights

Under application B/13/0033, a condition was added (condition 3) to restrict the addition of extensions, roof lights or dormer windows to the property without the permission from the Local Planning Authority. The rationale for the condition to be attached to the decision was due to 'safeguarding privacy' of the residential properties in the immediate vicinity.

This is noted, however the proposed roof lights would be located on the northern elevation of the dwelling, which is a sufficient distance from the nearest property to the north. It should be noted, that the plans have been amended so that there are no proposed windows on the south elevation. Furthermore, the proposed roof lights are non-opening which reduce the potential for additional noise. The property is single storey and the plans do not indicate first-floor being installed in the area where the roof lights are. This means that the likelihood of a loss of privacy is reduced as it will not be possible for occupants to look out of them towards a neighbouring building. For these reasons, the proposed roof lights are deemed to be acceptable in respect of privacy and condition 3 can be amended to remove the roof light aspect of it.

The proposed roof lights are not going to have an adverse impact on the character and appearance of the property or the surrounding area.

The application is therefore acceptable in accordance with policies 2 and 3 of the SELLP, 2019.

CONCLUSION:

The proposed amendments to 3 Old Mill would not have a detrimental impact upon the character and appearance of the site or the residential amenity of the neighbouring properties. The proposal is therefore deemed acceptable in respect of policies 2 and 3 of the South and East Lincolnshire Local Plan (2019).

RECOMMENDATION:

Approve with Conditions

| CONDITIONS / REASONS | | | |
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| Pre-commencement Conditions? | | No | Agreed with applicant/agent - Date: |
| 1 | <p>The development hereby permitted shall be carried out in strict accordance with the application received 14 Jan 2013 and 28 February 2023 and in accordance with the associated plans as amended:</p> <ul style="list-style-type: none">- Landscape Details, received 16.01.2013- Layout Plan, Received 14.01.2013- Proposed Elevations, Drawing No. 22/SL/03, Dated December 2022 <p>Reason: To ensure the development is undertaken in accordance with the approved details and to accord with Policies 2 and 3 of the South East Lincolnshire Local plan (2019).</p> | | |
| Conditions which apply during the course of and following completion of the development: | | | |
| 2 | <p>The development permitted by this planning application shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) undertaken by White Lodge and dated August 2009. In particular, the finished floor levels shall be set at 2.95 metres above Ordnance Datum.</p> <p>Reason: To reduce the risk and impact of flooding on the development and in accordance with Policy 4 of the South East Lincolnshire Local plan (2019).</p> | | |
| 3 | <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out:</p> <ul style="list-style-type: none">- The erection of house extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;- Roof lights installed within the southern, eastern or western elevations. <p>Reason: To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity, levels of residential amenity and the visual amenity and character of the rural area within which it is set in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).</p> | | |
| 4 | <p>All landscape details shown on drawing ref: 'Landscape Details' 1:200 shall be carried out in accordance with the approved details within 6 months of the date of the first occupation</p> | | |

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| | <p>of any building or completion of the development; whichever is the sooner. Any trees, plants, grassed areas which within a period of 5 years from the date of planting die are removed or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size, species or quality.</p> <p>Reason: To ensure that the development is adequately landscaped, in the interests of visual amenity and character in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan (2019).</p> |
| 5 | <p>The development shall be undertaken in strict accordance with drawing 22/SL/03 Proposed Elevations and the roof lights shall be non-opening and retained as such in perpetuity.</p> <p>Reason: In the interests of residential amenity in accordance with Policies 2 and 3 of South East Lincolnshire Local Plan (2019).</p> |

| INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE | |
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| <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 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.</p> | |