

Application Number:	2019/0046/FUL
Site Address:	97 Boutham Park Road, Lincoln, Lincolnshire
Target Date:	19th March 2019
Agent Name:	Kingsmead Design Ltd
Applicant Name:	Mr Gordon Johnson
Proposal:	Erection of a two storey dwelling. (REVISED PLANS)

Background - Site Location and Description

The application is for the erection of a two storey dwelling (with rooms in the roof served by dormers). The proposal would be erected on land to the rear, west of 97 Boutham Park Road, a two storey detached dwelling located on the corner of Boutham Park Road and Earls Drive. The site is currently occupied by garden land and a double garage/store with vehicular access from Earls Drive. The site is located within Flood Zone 3.

The boundary to the north of the site is defined by an approximately 2m high conifer hedge with the garden of 95 Boutham Park Road beyond, which sits at a slightly lower land level. To the east of the site is 1 Earls Drive, a bungalow, with the side elevation of the neighbour's garage and a wall with fence panels above forming the boundary. There are three further bungalows adjacent to no. 1 with the remainder of the properties on Earls Drive, including no. 2 opposite, being two storey. Properties in the area are constructed with red or buff brick and concrete tiles to the roof.

The dwelling would replace the existing garage and would incorporate three bedrooms and a double garage, utilising the existing vehicular access. The application has been revised during the process, firstly to address an objection from the Environment Agency and again to improve the relationship with the neighbouring 95 Boutham Park Road; both of these will be detailed later within the report. All neighbours were re-consulted on the first revision with 95 Boutham Park Road directly notified of the second revision affecting their property.

The application has been called in to be determined by committee at the request of Cllr. Hewson.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 14th March 2019, also visiting the neighbouring property of 95 Boutham Park Road on the 27th March and the 30th April.

Policies Referred to

- Policy LP1 A Presumption in Favour of Sustainable Development
- Policy LP2 The Spatial Strategy and Settlement Hierarchy
- Policy LP14 Managing Water Resources and Flood Risk
- Policy LP26 Design and Amenity

- National Planning Policy Framework

Issues

- Principle of use
- Visual amenity
- Residential amenity
- Flood risk
- Access and highways

Consultations

Consultations were carried out in accordance with the Statement of Community Involvement, adopted May 2014.

Statutory Consultation Responses

Consultee	Comment
Highways & Planning	Comments Received
Environment Agency	Comments Received
Lincolnshire Police	Comments Received
Anglian Water	Comments Received
Upper Witham Internal Drainage Board	Comments Received

Public Consultation Responses

Name	Address
Mr James Corner	1 Earls Drive Lincoln Lincolnshire LN6 7TY
Mr & Mrs Epps	95 Boutham Park Road Lincoln Lincolnshire LN6 7SE

Consideration

Letters of objection have been received from the neighbouring property at 1 Earls Drive

regarding the visual impact of the proposal and that the height relative to the existing garage was not clear from the plans. As outlined above, all neighbours were re-consulted on the first set of revised plans, which, at the request of officers, also show the outline and height of the existing garage to enable this to be considered by neighbours.

The occupants of 95 Boultham Park Road have raised objections on the grounds of the height, loss of light to the garden and garage, overlooking and loss of privacy. Concern is also raised regarding the loss of the boundary hedge and the proposed replacement fence. The objection makes reference to a previous planning permission for the existing garage, which includes conditions stating that there shall be no further floors of accommodation, to prevent overlooking, and that the garage shall be for domestic purposes only. These conditions were applied to ensure that the garage could not be amended, as would otherwise be possible under permitted development and result in a potentially harmful effect on neighbouring properties. These conditions are not relevant to this proposal as each application is considered on its own merits. In any case matters relating to residential amenity will be considered as part of the assessment process for this current proposal.

Further objections were received following consultation on the revised plans from 95 Boultham Park Road, expressing concern regarding the increase in height and overlooking towards the garden and property due to the proximity and both the height and position of windows. Flooding was also identified as an issue.

Objections from the neighbours have also been raised on the grounds of the impact on house values and that a covenant restricts development on a portion of the application site. However, these are not material planning considerations that can be taken into account.

Principle of Use

Central Lincolnshire Local Plan (CLLP) Policy LP2 advises that the Lincoln Urban Area will be the principal focus for development in Central Lincolnshire, including housing. CLLP Policy LP1 states that there should be a presumption in favour of sustainable development and planning applications that accord with the policies in the local plan will be approved without delay. This presumption in favour of sustainable development reflects the key aim of the National Planning Policy Framework (NPPF).

The principle of residential development in this location would therefore be supported, subject to consideration against other policy requirements.

Visual Amenity

It is considered that the site is of a sufficient size to comfortably accommodate the proposed dwelling along with the associated garden land and parking. The proposed dwelling forms an 'L' shape accommodating rooms in the roof, served by dormers and rooflights. Officers consider that the scale, mass and proportions of the dwelling are acceptable, particularly as the elevation when viewed from the street is staggered, breaking up frontage.

The finished floor level of the proposal has been raised to address flood risk concerns and the ridge would measure 11.7m high compared to the 9.6m ridge height of the existing garage. The proposal has similar proportions to a two storey dwelling and therefore would

be expected to sit higher than the bungalow of 1 Earls Drive, however, it is not considered that it would appear unduly dominant when viewed in this context. The application includes a street scene view from Earls Drive which shows the proposal in context with 97 Boutham Park Road, with the ridge sitting lower than the existing property. While objections have been raised by neighbours regarding the height and visual impact officers are satisfied that the proposal would sit comfortably within the street scene and that it would relate well to the surrounding properties in terms of the height, scale and mass, as required by CLLP Policy LP26.

It is also considered that the design of the proposal is acceptable. The dwelling would be constructed with buff brick, a slate roof, lead to the dormer face and cheeks and grey aluminium framed windows. Design features such as stepped entrances, details to the gable ends, brick corbelling and a chimney add interest. The design is different to the existing properties in the street and wider area, however, there is no defined character with dwellings varying in their form, scale and design. Officers are therefore satisfied that the design of the proposal would sympathetically complement the local architectural style, in accordance with Policy LP26. The proposal would also be in accordance with the NPPF, which requires that developments should be sympathetic to local character whilst not preventing change.

Residential Amenity

The rear, north boundary of the site forms the side boundary of 95 Boutham Park Road, defined by an approximately 2m high hedge. The proposed dwelling would be located 1.4m from this, sitting opposite the bottom section of the neighbour's garden, with the separation to the neighbouring dwelling being approximately 17m. The neighbouring occupants have raised concern regarding the proximity and height of the proposal, resulting in loss of light, which has been exacerbated by the increase in the finished floor level. The proposed elevations demonstrate the height of the dwelling relative to the proposed 2m high replacement boundary treatment, with the finished ground floor level sitting only marginally below the top of the fence. However, officers do not consider that the proposal would have an unacceptably overbearing effect on the adjacent garden or, given the separation to the neighbour's dwelling, on the rear aspect. While a degree of loss of light will be experienced this will mainly be to the bottom section of the neighbour's garden, and, again is not considered to be unacceptably harmful.

In terms of overlooking and loss of privacy, another concern raised by the neighbour, the proposal has been revised to improve this relationship. Within the rear, north elevation facing the garden the windows, although sitting much higher than the boundary treatment, are to be obscure glazed with only small top hung openings, which will sit 1.7m above the internal ground floor level. Officers are therefore satisfied that there would be no opportunity to overlook from this elevation.

The side, west elevation facing towards the rear of no. 95 has also been amended. The study window, which would have the closest relationship to the boundary, is also to be obscure glazed up to a minimum internal height of 1.7m. The window on the right hand side (when viewed from inside) will be the only openable part of this window and will be hinged so that it opens out towards the boundary. Overlooking from the open window will be to the south, over the proposed property's own garden. In addition the section of the landing and also the steps that were originally proposed adjacent to the boundary have been removed, and there would now be a separation of 5m. Officers are satisfied that these revisions improve the relationship and that the level of overlooking would not be

unacceptably harmful.

Conditions to remove permitted development rights and require full details of the replacement boundary fence would be applied to any grant of permission. These conditions would ensure that this relationship is maintained and accordingly officers are satisfied that the amenities which the neighbouring occupants of 95 Boutham Park Road may reasonably expect to enjoy would not be unduly harmed by the development.

The proposed dwelling would have a similar relationship with the host property with a total separation between the two properties being 21m. A 2m high fence would form the new boundary between the two gardens. Accordingly officers have no issue with this.

The side elevation of the bungalow of 1 Earls Drive would be located to the side, east of the site. The rear portion of the 'L' shaped dwelling would be located 6.5m from this boundary, with the front section located over 11m away. The boundary is defined by the neighbours own garage and a wall/fence. It is not considered that the proposal would appear unduly overbearing and loss of light would be limited to the late afternoon only. The only first floor window facing towards the neighbouring property is a dormer, serving a bedroom. Given the position of this window and the separation it is not considered that this would result in an unacceptable degree of overlooking.

Officers would conclude that, while the proposal would have an impact on neighbouring properties, this would not be to a degree that would warrant the refusal of the application. In accordance with CLLP Policy LP26 it is therefore considered that the amenities which neighbouring occupants may reasonably expect to enjoy would not be unduly harmed by or as a result of the development.

Flood Risk and Drainage

The Environment Agency (EA) raised an initial objection to application. The application site lies within Flood Zone 3 and the NPPF requires that a Flood Risk Assessment (FRA) must be submitted when development is proposed in such locations, to enable an assessment of the flood risk.

In response to this request the applicant submitted a FRA. This was considered by the EA and they have withdrawn their objection subject to a condition that the development will be carried out in accordance with the FRA, which specifies requirements such as finished floor levels and flood resilience and resistant measures. This condition would be applied to any grant of consent.

The proposal would therefore meet requirements of CLLP Policy LP14 as the EA are satisfied that that there is no unacceptable increased risk of flooding to the development site or to existing properties.

An objection to the application has been received from the Upper Witham Drainage Board. However, in addition to the EA having no issues with the application and the Lincolnshire County Council in their capacity as Lead Local Flood Authority have no objections in respect of surface water drainage.

Access and Highways

The application site will provide off-street parking but also has good access to local

facilities and public transport. The Lincolnshire County Council as Local Highway Authority has raised no objections to the application and it is therefore concluded that there is no issue with the access from Earls Drive or the proposed parking arrangements.

Other Matters

Air Quality and Sustainable Transport

The City Council's Pollution Control Officer has advised that, whilst it is acknowledged that the proposed development, when considered in isolation, may not have a significant impact on air quality, the numerous minor and medium scale developments within the city will have a significant cumulative impact if reasonable mitigation measures are not adopted. Accordingly a condition will require details of a charging point to be submitted for approval and for the unit installed before the property is first occupied.

Bin Storage

An area for bin storage is not identified on the site plan, however, there is sufficient external space within the site for this to be accommodated.

Conclusion

The principle of a dwelling in this location is considered to be acceptable and the development would relate well to the site and surroundings, particularly in relation to siting, height, scale, massing and design. The proposal would also not cause undue harm to the amenities which occupiers of neighbouring properties may reasonably expect to enjoy. Technical matters relating to flood risk, drainage and highways are also to the satisfaction of the relevant consultees. The proposal would therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies LP1, LP2, LP14 and LP26, as well as guidance within the National Planning Policy Framework.

Application Determined within Target Date

Yes.

Recommendation

That the application is Granted Conditionally subject to the following conditions:

- Development to commence within three years
- Development to be constructed in accordance with the submitted plans
- Development in accordance with Flood Risk Assessment
- Details of an electric vehicle charging point
- Details of boundary treatment
- Removal of permitted development rights
- Construction of the development (delivery times and working hours)