

2020/0756/FUL– Garage – Rosebery Avenue

Neighbour Responses

your ref. 2018/0266/FUL.

my ref 292 West Parade ,LN1 1NB.
23 march 2018 Dear Tom Hobson.

Thank you for our meeting last week concerning this proposed development. I can only reiterate my objections to this development as laid out in my original letter of March 6 to your department , particularly claims by Mrs Krisson for ".shared access" to the passage behind all our houses., mine at 292 , my neighbours at 294,290,288. I understand that this may be a " building regulations " matter.? please advise. Further I gather that the garage is shown to be a home for bats. My request is that this unsuitable house is not built at all.
Yours sincerely
Barbara Wheeler Comber

Sent from my iPad

From:

Sent: 19 November 2020 19:37

To: Hobson, Tom (City of Lincoln Council)

Cc: Emma Krasinska; R Mair; Ba Wheeler; Tara

Subject: Planning Application ref 2020/0756/FUL

Planning Application ref 2020/0756/FUL

Conversion of existing single storey garage into a 3 bed dwelling.

Dear Tom Hobson

We have had sight of the plans for this development, and appreciate the improvements that the new dwelling might make to the immediate surroundings and the community as a whole. It would be good to see the current building renovated and used to good effect, and if carried out sympathetically could potentially add to the visual appearance of the block. However we would like to object to the currently proposed demolition and rebuild plans on the following grounds:

1/ A rear side door on the south side of the proposed building, is drawn on the plans. This would give access to the passageway to the north and east of our properties.

On the plans the passageway is described as a 'shared passageway', implying that it is one shared by the proposed building in the current plans. It is not. This passageway is solely for the use of our house and the other properties which the passageway borders, namely 288, 290, 292, & 294. The passageway is not for the use of the current garage nor the land on

which it stands, but only for the the above four properties. This is identified in the deeds, dated 1899 and reiterated in more recent copies held in the land registry, i.e. 1923, 1975, 1992, and confirmed again in 1997 when we purchased our property. We are responsible for its upkeep. The proposed property has never had access to the passageway, and was never used by the previous owner, despite an erroneous claim made in the hearing for the previous plans in 2018. This can be confirmed by residents who have lived here for over 30 years, and by previous tenants of the block of houses, identified above.

The passageway has been gated at the front, south entrance, and has an additional locked door midway along the length of our property, since we moved in over 20 years ago and before that for at least the previous 10 years. Only the owners of No's 288, 290, 292 and 294, are entitled, or have keys, to these gates.

2/ The proposal identifies the proposed door as 'for emergency use only'. That this rear entrance would be only used for that purpose by the owners and those to whom they lease the dwelling is highly unlikely. The passageway secures our properties from access to potential burglars. Anecdotally, the only time we have been burgled was when the door was inadvertently left open and thieves entered into the rear of the property.

3/ The newly built walls to the proposed dwelling will have to have foundations to them which we believe will encroach onto the passageway. A more suitable solution would be to set the dwelling back away from the boundary line to a sufficient distance as not to affect the structural integrity of our property and surrounding ones.

4/ We see that it is intended to render the external surfaces of the wall. How will this be carried out and how will it be maintained without access? We object on the grounds that no consideration has been given to the process by which this dwelling can be built and maintained, without access. Rendered properties also require an amount of upkeep and as mentioned above there is no access on the south side to do this. The same would also apply to the gutters and downpipes that would be required for rainwater disposal. If approved as shown these would overhang the private passageway and if not maintained (the current ones, along with the roof, have not been maintained by the owner) and could cause issues with the integrity of the render and it's appearance.

Again a solution would be to set the dwelling back from the boundary line.

5/ The drawings indicate a significant lowering of the wall to the east end of the property where the rear yard is intended to be sited. This alters the line along the passageway and would of the wall around resulting in an adverse effect on the aesthetic appearance of the corner, in what is still, a conservation area. Additionally it reduces significantly the security of our property and that of the other houses to which the passageway allows legitimate access.

6/ There are no other properties that have been rendered on their West Parade/Rosebery Avenue elevations and we feel that this would create a precedent for others which could result in a potential arbitrary patchwork of such material, destroying the visual coherence in this conservation area. blight in the area.

7/ We are concerned that attention be paid to the effects on land drainage and disposal of waste water on the current, quite old, drainage system. The plans do not indicate where such water would be directed. Again the passageway to the south side would not be available, and both the north and east sides of the building are locked in with no possibilities in either of those directions either.

8/ Our garden has a tree, approx. 8 metres in height, in its north east most corner, approx 1.5 metres from the proposed foundations which would need to be dug. The roots of this tree are almost certainly crossing the line of these proposed foundations. Whilst the renovation of the garage (as in the previous planning application) would not have had so great an adverse effect, complete demolition and the subsequent need for digging to build the footings will have. If the roots are displaced what will be the effect on the trees stability?

The planning committee will be aware that trees in this area fall under a conservation notice.

Also, in the National House Building Council (2006) 'Building Near Trees', Chapter 4.2; BS 5837 (2005) 'Trees in Relation to Construction' it is stated that:

“Most of a tree's root system is within 600mm of the surface and extends radially for distances often in excess of the tree's height. All parts of the root system are vulnerable to damage and once damaged, roots may not regenerate. Extensive root damage may impair the stability of the tree.”

There is also a younger apple tree, against the back, south, wall of our garden and the BS standard also advises:

allowance for physical growth of young trees *Direct damage due to the growth of the main trunk and roots of young trees should be avoided by locating structures and services at a safe distance from the trees. Further guidance is given in BS 5837. Where this cannot be achieved precautions should be taken to allow for future growth. For example:*

- *foundations should be reinforced to resist lateral forces*
- *walls or structural slabs should bridge over the roots allowing sufficient clearance for future growth or be reinforced to avoid cracking*
- *pavings and other surfaces should be laid on a flexible base to allow for some movement.”*

Yours faithfully

David & Kathryn O'Donnell

PS I would appreciate confirmation of receiving this. Thank you

From: R MAIR

Sent: 20 November 2020 09:57

To: Hobson, Tom (City of Lincoln Council)

Cc: Ba Wheeler; David O'Donnell; Emma Krasinska; Tara Kellie

Subject: Planning Application ref 2020/0756/FUL Demolition of Existing Garage and Erection of 3 bed dwelling

Dear Mr Hobson

Planning Application ref 2020/0756/FUL

Demolition of Existing Garage and Erection of 3 bed dwelling

We would like to object to this application to demolish the Garage which is at the bottom of our back garden and build a new dwelling in its place.

To carry out this work the developers would have to demolish the wall which encloses the rear passage shared by us and our three neighbours on West Parade. They would have to dig up our passage to construct new foundations and to build the new wall and no doubt would want to erect scaffolding there to build the wall and the new roof. This would prevent us and our neighbours using our only garden access and require us to remove goods we have stored there. This is on land which they do not own and have no rights to access let alone dig up.

Any foundations could also undermine the foundations to our outhouses and garden walls, and could cut across the roots of the tree at the bottom of our neighbour's garden at No 288. This tree is formally protected under the conservation area rules.

There are no dimensions on the new drawings to show heights to the roof or walls. As this is a new build there is nothing to prevent the developer building a higher building than the existing garage which would further encroach on our space and amenity and that of our neighbours.

Permission was given in 2018 to convert the existing garage to a dwelling and this new application is based on that permission with almost identical floor plan and elevations. The main change is that the building would be demolished and built new – and with rendered external walls rather than the existing brick ones.

When the previous application was discussed at committee members made it clear that they were only allowing it because there is already an existing building to be converted – they would not have allowed a new-build proposal because it is so tightly surrounded by existing family houses. They allowed the previous application because conversion was seen as relatively low disruption and damage to the amenity of the neighbours. We object to this new application because it is seeking to use the previous permission to gain approval for a more disruptive and damaging proposal which goes against what was specifically considered by the planning committee.

This new application changes the proposal from one which can be built from within the developers land to one which they cannot carry out because they do not own the adjoining land or have access to it, so it should be rejected and the developers should be advised to use the permission as originally granted.

The only purpose of this application compared to the existing permission is to make the work cheaper and therefore more profitable for the developer, at a cost to the amenity of the neighbours both during construction and for the future. This proposal is trying to take away the protections to the amenity of neighbours which were part of the existing approval as discussed by the planning committee and should be rejected on that basis.

Richard & Helena Mair

290 West Parade

Lincoln LN1 1NB

Customer Details

Name: Mrs Tara Bond

Address: 1 Rosebery Avenue Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Full details have been sent via email on 21st November directly to Tom Hobson

From: Tara Kellie <kellietara@yahoo.co.uk>

Sent: 21 November 2020 09:08

To: Hobson, Tom (City of Lincoln Council)

Cc: Ross Bond; R MAIR; David O'Donnell; Emma Krasinska; comberba@gmail.com

Subject: 2020/0756/FUL- Objection

2020/0756/FUL

We would like to object to the new planning application that has been made in respect of a 3 bed dwelling at Rosebery Avenue on the following grounds:

1. We believe that the brick Victorian wall that forms the boundary to our property to be in our ownership and has been built on in the past. The proposed drawings show a 'new build'

cavity wall construction in this position and it is therefore assumed that there is an intention to demolish our wall to achieve this. We therefore object to this on the grounds that we do not give consent for our wall to be demolished and the proposed materials to be used for the outer skin of the property. The issue being that the work would dramatically alter what now exists as two established Victorian walled gardens (1 & 1A Rosebery Avenue). Photos are attached to show the continuation of the front garden wall through the property. This wall forms the boundary of our property. The photo shows that the garage is built up next to the wall with tiles and guttering over hanging it. The original wall would need to be retained to maintain the visual amenity for 1 and 1A. The original planning permission kept this brick wall in place thus maintaining the traditional features of this area.

2. The newly built walls to the proposed dwelling will have to have foundations to them which we believe will encroach onto our property and effect the existing foundations of our dwelling, in addition, the depth of any new foundations would have to be in the region of 1.2 – 1.5 metres and take account of large trees within the locality and the water course that runs below ground draining the hillside which we feel may lead to surrounding properties being undermined that later result in structural defects. We object to this on those grounds and feel that a more suitable solution would be to set the dwelling back away from the boundary line to a sufficient distance as not to affect the structural integrity of our property and surrounding ones. The soil that will need to be removed in order to dig new foundations will cause significant disruption to a very narrow busy road. The existing permission to renovate the building would require far less soil removal and consequent disruption.

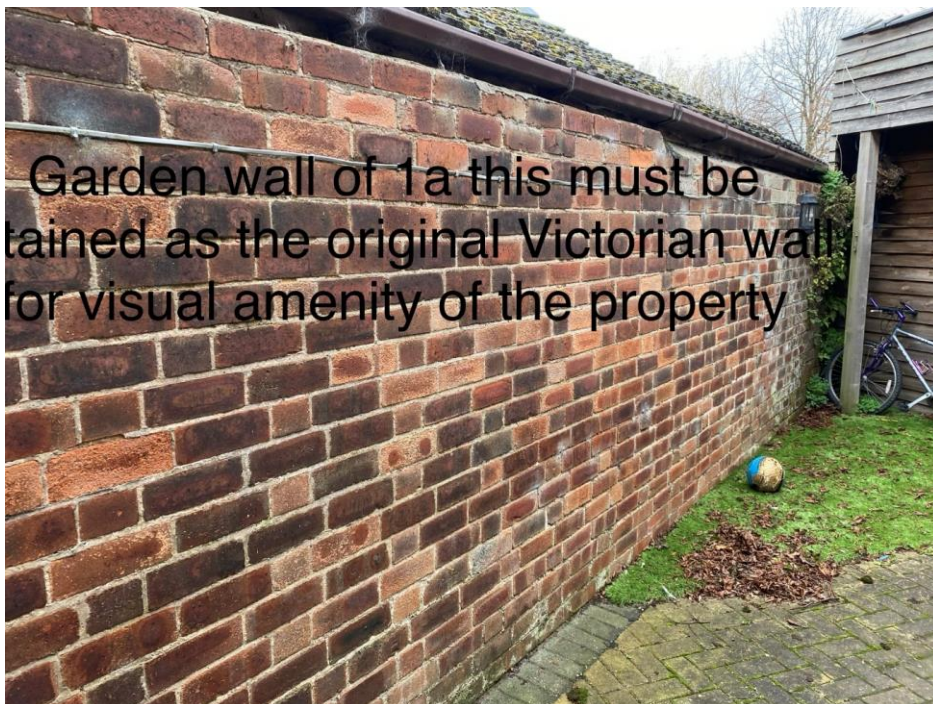
3. Our rear garden is land locked with no means of access other than through the inside of our property. How is it intended to construct the walls as shown without access? I would point out to you that our garden is a family garden for our children and we have to consider their safety and therefore we cannot have part of it turned over to a construction site. In addition to this I note that it is intended to render the external surfaces of the wall, firstly – how will this be achieved and how will it be maintained without access, secondly a section of the wall is shown as being built tight against my property – how will rendering be achieved in these areas. We would have to object on the grounds that no consideration has been given as to how this dwelling can be built and maintained without affecting our property and the disruption that it would cause in order to cut corners and save on costs. If the building were to be demolished it should be set back significantly from the boundary line.

4. It is not in keeping with the properties on West Parade/Rosebery Avenue to have rendered elevations and we feel that this would create an opening for others which could result in a patchwork quilt in the area. Rendered properties also require an amount of upkeep and as mentioned above there is no access into the rear of our property to do this. The same would also apply to the gutters that would be required for rainwater disposal. If approved as shown, these would overhang our property and if not maintained (the current ones, along with the roof, have not been maintained by the owner and we have had to employ our own contractor to rectify the problem) could cause issues with the integrity of the render and it's appearance.

5. The original application included conditions relating to the installation of a bat box and that the work should be carried out in accordance with the ecological Protected Species survey received in July 2018 in order to 'ensure the protection of species as identified within the Wildlife and Countryside Act 1981'. It is not understood how this could be done if the building were to be demolished.

6. The planning officers report for the original planning permission states that 'the existing structure and size would be largely maintained, it would not be considered to have an unduly harmful impact on the residential amenity of neighbouring properties'.. 'The conversion of the property would bring a vacant building back into a beneficial use, whilst retaining the structure and making use of a more traditional pallet of materials'. If the building is to be demolished this would not continue to be the case. A traditional Victorian brick boundary wall would be removed from the gardens of both 1 and 1A, completely changing the visual amenity of these properties.

7. Based on what was approved on the previous application for the conversion works, the proposals for this one appear more intrusive with no real thought given as to how it is going to be built without affecting the structural integrity of the surrounding buildings and then maintained after that. The original plan maintained the brick walls to the sides with the front façade being replaced thus blending old with new in a more sympathetic manner. Although the statement of "looking after our neighbours" is taken with a pinch of salt we are aware that the main motivation for this change is for a cheaper construction build. Removing the current bricks disposing of them and replacing with block and render comes with an environmental impact which would not be present in a restoration. We have worked on several barn conversions (not dissimilar to this garage) and there are ways around utilising existing walls and creating timber framed walls combined with the use of highly thermally efficient insulation products to provide the eco performance measures required without the need for new walls and foundations. We believe that this would be the best way forward in creating what would be a good restoration project leaving the existing walls in place, minimising disruption to the stability of neighbouring properties, surrounding trees and bat activity in the area and bring this old building sympathetically back to life.





Sent from my iPhone

Customer Details

Name: Mr Paul Headland

Address: 6 Bedford Street Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This garage should be used as such, there is limited parking available in the area and the loss of garage space should be prevented especially when there is an excess of tiny roomed rental property in the vicinity. The drive way will remove at least two valuable spaces from on street parking.

The interior design layout is poor, the size of the bedrooms rooms is tiny, bedroom 3 in no more than a store cupboard. This proposal is not in keeping with the properties adjacent to it and not architecturally significantly impressive to merit building. It does not conserve the existing building shell because the walls are intended to be knocked down thereby making it look like a cheap new build.

Cramming potentially 5 people into such a small space will inevitably cause a noise and odour nuisance for the immediate neighbours whose houses back on to.

It would appear that emergency access is also expected onto a private walkway which is shared

by the houses on west parade but not by this garage.

Customer Details

Name: Ms Emma Krasinska

Address: 294 West Parade Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

I would like to add my voice to also object to the proposed planning application. I share exactly the same concerns as Mr and Mrs Mair, Mr and Mrs O Donnell and Mr and Mrs Bond.

I do not give permission for access to the rear passage way for any building works. I have major concerns over our security at the rear of our property if the proposed demolition of the garage goes ahead. This would leave my property completely exposed for an indeterminate period of time and potential additional and unnecessary and unforeseen costs to myself and my neighbours.

I would also like to point out that the current wall that is apparently owned by Ms Krisson, at the bottom of my section of the back passage way is not safe. It wobbles. I would be grateful to hear what the plans are to make it safe.

I remain unhappy about the proposed plan to site refuse bins by my garden wall. I don't want to have to put up with yet more unpleasant smells which interfere with my quiet enjoyment and amenity of my own garden. We are already regularly and frequently disturbed by the strong smells of cannabis and tobacco smoking - both in our garden and that waft inside our property - from the multi occupancy property at 296 West Parade and the bungalow which you approved without our support on Rosebery Avenue, which abuts onto my back garden.

You are approving yet another new dwelling to abut my property in an already densely housed area. I feel absolutely crowded out. When I moved in in 2005, I moved into a lovely terrace with views of the Common, sunshine in my garden and two garages abutting my property. Now I live in a terrace with the view of the Common blocked by the high roof of the new bungalow, a dark garden that has lost its light as a result, noise and smell that affects our quiet enjoyment.

I am worried about more uncontrollable noise, smell and disturbance by the creation of this additional new dwelling tightly alongside our homes with no space - putting me in a position of more conflict with my neighbours. I don't want to live like this. I'm surprised there is room for a 3 bedroom dwelling.

I share the concerns about noise and disturbance from building. I don't think it is reasonable to allow noise and disturbance from 8-18:00 hours five days a week with no relief on Saturday. I work from home full time because of the pandemic and so do many of my neighbours. We had an appalling year of disturbance in 2015 during the building of the bungalow on Rosebery Avenue that abuts my property and 296 West Parade, a period that

coincided with the death of my husband and my subsequent bereavement. If the proposal is approved again, some consideration must be given to reasonable curtailment of activity and peace.

There is no right of emergency access from the garage to our back passage. The gate to West Parade is locked for security, and it will not function as an emergency access in any case.

It's a conservation area. Please make that mean something. You should insist on real, authentic materials appropriate to the character of the period properties of the neighbourhood. 'Slate-like' isn't good enough - this means concrete or composite tiles, like the ones you allowed on the bungalow that abuts my property. These are ugly and bulky and detract from a coherent look and feel which should contribute to a neighbourhood. Real slate, real wood, locally made authentic brick, not engineered brick should be used. Please don't allow any plastic or UPVC doors.

Please, take care of the detail, require the approval of materials to be submitted to you and monitored execution of the build. It was by accident that this new proposal was found out about. I don't recall receiving a letter or seeing any local information about the new planning application? Is this due process? Or good or permitted practice? I think it's important that neighbours who are immediately impacted are consulted, and our rights should be protected. The voice of the local community feels very irrelevant to Lincoln's planning decisions. I think it's important for local democracy, trust and respect that local views are properly heard, represented and considered.

With kind regards

Emma Krasinska
294 West Parade
LN1 1NB

Customer Details

Name: Ms Emma Krasinska
Address: 294 West Parade Lincoln

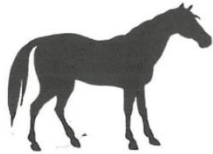
Comment Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:

Comment: I feel I should also reinforce Mr Mair's comment about the lack of dimensions presented in the new planning application, particularly with regard to the height of the proposed new build. What is the proposed height of the new dwelling? Will it be the same, lower or higher than the current garage? Also, I don't think any reference in the plans was made to solar panels, but is that something we are likely to have to look at?

Unfortunately Lincoln Planning Department and Committee have form in allowing higher new buildings than the ones that they replaced, taking away light and air, and built in a style unsympathetic to the character of the neighbourhood. This can be seen in the bungalow next to 296 West Parade, and the awful huge ugly building currently being built, dominating the corner of Rudgard Lane and West Parade.

Please can we have some assurance about dimensions, and about materials to be approved, in a way that is sympathetic to them conservation area and enhances the neighbourhood.



LINCOLN COMMONS HORSE ASSOCIATION

Ref: 2020/0756/FUL

Proposed development of Garage, Roseberry Avenue, Lincoln, Lincolnshire.

21/11/2020

Dear Sir/Madam,

The LCHA would like to raise concerns regarding the above proposed development. In the main our concerns centre around the need for heavy machinery and building material storage and delivery in an area of close proximity to the designated feeding and West Common horse access area on Roseberry Avenue. This area is used not only for feeding but by adults and children to tack up their horses and for farriery and vet visits. Individual owners and the local riding school use this area to access the Common. As horses are flight animals we have some concerns that they might be distressed/agitated by the noise of heavy machinery/delivery lorries etc. that will be used as the development takes place, with the potential to make this area unsafe to use. We are also concerned that this might cause horse owners to make more use of the pedestrian access point at the end of West Parade as an alternative route onto the West Common, which could cause conflict with other commons users. A further issue is one of any loss of the time limited non-resident parking on Roseberry Avenue, especially when the development is in progress, as horse owners do need to park there to feed/look after the welfare of their horses.

The LCHA would like the council to take into account the above concerns when considering the planning application.

Yours sincerely



Barbara Woolfenden

Chair LCHA

*Chairperson: Barbara Woolfenden; Secretary: Crystal Walker; Treasurer: Tracy McKane CAP: Gretchen Fixter.
Correspondence: 183, Carholme Road, Lincoln LN1 1RU.
Email: [REDACTED]*

Consultee Responses

Place Directorate
Lancaster House
36 Orchard Street
Lincoln, LN1 1XX
Tel: (01522) 782070



To: Lincoln City Council

Application Ref: 2020/0756/FUL

Proposal: **Demolition of existing garage and erection of a 3no. bed dwelling (Use Class C3)**

Location: **Garage, Rosebery Avenue, Lincoln, Lincolnshire**

With reference to the above application received 30 October 2020

Notice is hereby given that the County Council as Local Highway and Lead Local Flood Authority:

Does not wish to restrict the grant of permission.

CONDITIONS (INCLUDING REASONS) /REASONS FOR REFUSAL

The above proposal does not affect highway safety or capacity.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to surface water risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water risk for this planning application.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage on all Major Applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the drainage proposals for this planning application.

NO OBS

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

Case Officer:
John Clifton

Date: 10/02/2021

for Warren Peppard
Head of Development

Customer Details

Name: Ms Catherine Waby

Address: St Mary's Guildhall, 385 High Street, Lincoln LN5 7SF

Email: lincolncivictrust@btconnect.com

On Behalf Of: Lincoln Civic Trust

Comments

OBJECTION We feel that the conversion of garages into living accommodation is not acceptable and in this particular application, there is a lack of windows and a very limited rear yard.

Customer Details

Name: Mrs Annette Faulkner p/p Lincolnshire Bat Group

Address: 65 London Road Spalding

Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: Thanks you for contacting Lincolnshire Bat Group regarding this application. We have no objection to this, subject to the usual provisos that should bats or bat droppings be found during the demolition work work must stop and Natural England, via their agents the Bat Conservation Trust, be contacted on 0345 1300228 for advice on how to proceed.