

Application Number:	2021/0208/HOU
Site Address:	42 Kelstern Road, Lincoln, Lincolnshire
Target Date:	18th June 2021
Agent Name:	Mr Andy Newman
Applicant Name:	Mr Lloyd Freeman
Proposal:	Demolition of existing garage and partial removal of hillock to facilitate the erection of a single storey front and side extension and detached garage. (Revised Description) (Revised Plans received 19th May 2021).

Background - Site Location and Description

The application proposes the demolition of the existing attached garage and partial removal of hillock to facilitate the erection of a single storey front and side extension and detached single storey garage. The application property is 42 Kelstern Road a detached bungalow.

The site is located within a large well-established residential estate with dwellings adjacent to the north, south and west.

The site is not located in a conservation area and there are no listed buildings surrounding the site.

The application was subject to extensive negotiations with the agent securing revisions to the proposal to overcome concerns raised by neighbours. Revised plans were submitted in May 2021 and a re-consultation was carried out in June 2021 for 14 days. This re-consultation period was in line with the Councils consultation code of practice.

The application is brought to Planning Committee due to the number of objections against the application.

Site History

Reference:	Description	Status	Decision Date:
LK47/0521/85	Erection of 2 No. bungalows and garages (In accordance with revised plans received 17th September 1985).	Granted Conditionally	22nd October 1985

Case Officer Site Visit

Undertaken on 30th April 2021.

Policies Referred to

- Policy LP26 Design and Amenity
- National Planning Policy Framework

Issues

To assess the proposal with regard to:

- National and Local Planning Policy
- Effect on Visual Amenity
- Effect on Residential Amenity
- Effect on Highway Safety
- Other Matters

Consultations

Consultations were carried out in accordance with the Statement of Community Involvement, adopted January 2018.

All representations received on the application are copied in full at the end of this report and are available to view on the website:

<https://development.lincoln.gov.uk/online-applications/applicationDetails.do?activeTab=neighbourComments&keyVal=QJA4LFJFISD00>

Statutory Consultation Responses

Consultee	Comment
Highways & Planning	Comments Received
Dave Walker	Comments Received

Public Consultation Responses

Name	Address
Miss Lucy Gray	42 Kelstern Road Lincoln LN6 3NJ
Mr Craig Foster	14 Kelstern Road Lincoln LN6 3NJ
Mrs Wright	Stenigot Close
Mrs R Fraser	Kelstern Road Lincoln Lincolnshire LN6 3NJ
Miss Emma Nicholson	17 Stenigot Close Lincoln LN6 3PB
R W Phillips	
Mr Kettlewell	No address provided

Miss Carly Greenwood	25 Kelstern Road Lincoln LN6 3NJ
Mrs V A Phillips	
Mr A Fraser	Kelstern Road Lincoln Lincolnshire LN6 3NJ

Consideration

Planning Policy

Policy LP26 'Design and Amenity' is permissive of alterations to existing buildings provided the siting, height, scale, massing and form relate well to the site and surroundings, and duly reflect or improve on the original architectural style of the local surroundings; and use appropriate high quality materials, which reinforce or enhance local distinctiveness, with consideration given to texture, colour, pattern and durability. In relation to both construction and life of the development, the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

The proposed works exceed 'permitted development' allowances. The principle of extending the existing house is generally acceptable given its location in an established suburban area which is wholly residential in character. However, this is dependent on consideration of other matters, including design and amenity issues.

Objections to the revised proposals in summary relate to concerns regarding the scale of the proposal, that it is not in keeping with the character of the area, potential damage to the neighbouring trees, noise and disturbance during construction, potential future uses of the garage, exacerbating parking problems, impact on nature and wildlife and an increase in overlooking. These are attached in full to this report

Three representations in support of the application have been received. These are attached in full to this report.

Hillocks

Condition 3 of planning permission LK47/0521/95 states 'The hillocks in the eastern part of plots 58 and 59 shall be retained and shall not be levelled out without the written consent of the Local Planning Authority', the reason for this condition states 'to preserve the visual amenities of the locality'. 42 Kelstern Road was formally Plot 58. The hillock is located to the north of the site and levelling out of part of it would be required to accommodate the proposed detached garage. Officers consider that the hillock does not provide such a visual addition to the locality that the levelling off of part of it would be so detrimental to visual amenity that the application could be refused on these grounds.

Neighbours have raised concern that there is potential for land stability issues should the hillock be part levelled. Paragraph 178 of the National Planning Policy Framework states 'Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.' The applicant has submitted a detailed information and a methodology statement for the implementation

of a retaining structure. These details will be assessed by Building Control who are responsible for ensuring a development is structurally sound once an application is submitted to them. Officers are therefore satisfied that in accordance with the National Planning Policy Guidance the matter has been suitably addressed.

Side Extension

The proposed side extension at its closest point would be located approximately 5 metres from the side boundary with 43 Kelstern Road. The boundary is defined by an approximately 1.8 metre high hedge, given the boundary treatment there would be no issues of overlooking. Given the separation distance, boundary treatment and single storey nature of the proposed extension there would be no issues of it appearing overbearing. Although located to the south of No. 43 it is considered that loss of light would not be exacerbated to a harmful degree by the proposed extension.

The proposed extension would be located approximately 7.5 metres from the boundary with properties on Stenigot Close, the rear elevations are located a further 16 metres away. Given this separation distance there would be no issues of loss of light or the creation of an overbearing structure. 2 windows are proposed in the rear elevation which would serve a bedroom the boundary is defined by an appropriately 1.5 metre high timber fence and various shrubs and trees, given this boundary treatment and that the separation is over 21 metres window to window there would be no issues of overlooking .

There are no other properties in the vicinity which would be affected by the proposal and officers are therefore satisfied that the development would not cause undue harm to the amenities which occupiers of neighbouring properties may reasonably expect to enjoy, in accordance with the amenity requirements of Policy LP26 of the Central Lincolnshire Local Plan.

Effect on Visual Amenity

The extension would be set back from the front elevation of the application property extending along nearly the full width of the side elevation. At the front the extension would include a window and a pitched roof. The extension would be constructed with brick, tiles and UPVC windows to match the existing dwelling. Objectors have queried which materials are to be used, the agent has confirmed these will match the existing dwelling. There is no objection to the scale, design or proposed materials. It is not considered that the extension would cause harm to the appearance of the dwelling. The proposal would therefore reflect the original architectural style of the property and would not cause harm to local character, in accordance with Central Lincolnshire Local Plan (CLLP) Policy LP26.

Detached Garage

The proposed garage would be located 4.1 metres at its closest point from the boundary with 43 Kelstern Road measuring 2.5 metres to the eaves and 4.19 metres to the top of the pitch which slope away from the boundary. The hillock would be partially removed to accommodate the proposal so the finished floor levels would match of the existing dwelling. Given the separation, boundary treatment and the single storey, pitched roof design of the proposal it is not considered that it would appear unduly overbearing or result in an unacceptable degree of loss of light. The facing elevation is blank therefore there would be no issues of overlooking.

The proposed garage would be located 3.25 metres from the boundary with properties to the rear on Stenigot Close. Given the separation distance there would be no issues of loss of light or the creation of an overbearing structure. The facing elevation is blank therefore there would be no issues of overlooking

The proposed garage would be located over 28 metres from the boundary with 40 Kelstern Road it is considered that this distance is sufficient to ensure that the proposal would not be detrimental to the residential amenities of the property.

Concerns have been raised regarding the use of the garage; this can be addressed by way of a condition which would restrict the use for domestic purposes only.

Concerns have been raised regarding noise and disturbance during construction as the proposals are within a confined site it would be pertinent to include a condition relating to hours of construction.

It is considered that the relationship with neighbouring properties should be maintained through the inclusion of a condition removing permitted development for new openings within the proposed extension and garage in order to protect the residential amenities of these properties.

Officers are therefore satisfied On balance that the development would not cause undue harm to the amenities which occupiers of neighbouring properties may reasonably expect to enjoy, and that a refusal on residential amenity grounds could not be justified the development is therefore in accordance with the amenity requirements of Policy LP26 of the Central Lincolnshire Local Plan.

Effect on Visual Amenity

The proposed detached garage would be constructed on garden land set back from the road. The garage would measure 6 metre wide x 6 metres deep and would include a pitched roof and a roller shutter garage door. The garage would be constructed from materials to match the existing dwelling. Officers have no objection to the siting, height, scale, massing and form of the proposed development. Set back from the road the garage would not appear unduly prominent or incongruous within the street. It is therefore considered that the visual amenity of the wider area and the character and appearance of the area would not be harmed in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

Trees

Condition 4 of planning permission LK47/0521/95 states 'None of the trees/bushes within plots 58 and 59 shall be cut down, uprooted or wilfully damaged or destroyed without the prior written consent of the Local Planning Authority. Following a site visit by Officers it is clear several trees have been removed from the site without consent. It is difficult to confirm the age these trees without having viewed the trees prior to their removal, but it is likely they were protected by this condition. It was agreed that the applicants would replace the trees on advice from the Arboricultural Officer, however it was advised by the Arboricultural Officer that should the development be approved the site could not physically accommodate any suitable replacements. The applicants have been supplied with a copy of the decision notice and advised that any future works will require consent.

The neighbouring property 43 Kelstern Road has a large Oak approximately 120 years old. The revised location of the garage is proposed outside of the root protection area (RPA) of the tree. Concerns have been raised that roots outside the RPA could be severed. The Arboricultural Officer has inspected the tree and advised that the age of the tree would suggest it has good vitality and as such would be able to recover from minor root disturbance brought about by the severance of small diameter roots which encroach beyond the RPA. As a retaining wall is required it is important that it is implemented at the correct time to ensure that the ground within the remaining hillock is where possible undisturbed. Officers consider that an appropriately worded condition could ensure correct timings and refusal on the grounds of harm to the tree could not be justified.

To the rear of the site is a mature Oak likely to be in the rear garden of number 21 Stenigot Close. The tree has been inspected by the Arboricultural Officer who advises that 'the canopy of this tree attains a height which should minimise possible contact with demolition equipment however the RPA of the tree should be protected from compaction or damage from construction machinery'. The application is supported with details of the RPA and how the tree will be protected during construction which the Arboricultural Officer has agreed is appropriate.

Effect on Highway Safety

Lincolnshire County Council as Highway Authority has assessed the application and revised plans and has raised no objections to the proposal. Therefore, based on this advice it is considered that the proposal would not be detrimental to highway safety or traffic capacity.

The Pollution Control Officer has viewed the plans and raised no objections but given the sites past use as an RAF base a condition relating to the reporting of unexpected contamination has been requested, it is considered this would not be unreasonable given that excavation works would be required.

Application Negotiated either at Pre-Application or during Process of Application

Yes.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The proposed development is appropriately designed and would not cause unacceptable harm to the character and appearance of the area nor the amenities of all existing and future occupants of neighbouring properties, in accordance with Policy LP26 'Design and

Amenity' of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

Application Determined within Target Date

Yes.

Recommendation

That the application is granted conditionally.

Conditions

- Development to be carried out within 3 years
- Development to be carried out in accordance with the plans.
- Implementation of tree protection
- Timing of retaining structure works
- Use of garage for domestic purposes only
- Removal of permitted development for new openings within extension and garage
- Hours of construction 8 am to 6pm Monday to Friday 08:00 to 13:00 on Saturdays
- Reporting of unexpected contamination if discovered.