

2022/0092/HOU – Written Representations



Warren Peppard
Head of Development Management
Lincolnshire County Council
County Offices
Newland
Lincoln LN1 1YL
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To: Lincoln City Council

Application Ref: 2022/0092/HOU

Proposal: **Erection of single storey outbuilding to rear elevation**

Location: **7 Western Avenue, Lincoln, Lincolnshire, LN6 7SR**

With reference to the above application received 14 February 2022

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.

For this proposal the access and parking arrangements remain unchanged, therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety.

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:

Date: 22 February 2022

Becky Melhuish

for Warren Peppard
Head of Development Management

5 Western Avenue
Lincoln
LN6 7SR

Lincoln City Council
City Hall
Beaumont Fee
Lincoln, LN1 1DF

7 March 2022

Dear Sir

Planning application 7 Western Avenue, Lincoln, LN6 7SR
Your Ref 2022/0092/HOU

Objection letter

Residential Amenity

- Overlooking and Loss of Privacy - the construction of the neighbouring garden room/workshop would result in a very significant level of overlooking and loss of privacy into our property:-
 - The applicant's "Layout & Elevations Drawing (Drawing No: ST-493/02 – Revision P1)" shows the proposed building is large in profile with a height of 2.7m above ground level, extending along the vast majority of the width of the applicant's plot and 6m northwards into the applicant's garden. The floor area is approximately 51 square meters, the overall size is approximately 137 cubic meters and looking at the "site layouts" drawing as submitted, the floor area does not appear to be much different in size to the floor area of the applicants main residence.
 - The building includes bi-folding doors, looking northwards back towards the applicant's property and, in turn, the applicant's neighbouring properties, including ours.
 - The building is also situated on slightly higher ground than our property, due to the previous owner adding a layer of topsoil for a vegetable garden. This together with the building's height would, therefore, be substantially higher than the boundary fence with the applicant's land, the fence is 6 foot (1.8m) in height and would result in the applicant being able to see over the fence and directly into our entire outdoor amenity space. This would be particularly the case for our patio immediately adjacent the southern elevation of our property given it is raised, as demonstrated in Photograph 6 attached, but also the grassed area of our garden which is not raised (as demonstrated in photograph 4 attached).
 - Furthermore, it is also considered that there would not just be overlooking and a loss of privacy of our outdoor amenity space, but also the main indoor living spaces. Our open-plan kitchen-diner and living room are situated on the southern side of the ground floor of our property and like most people, we spend the majority of our time

in these rooms. The applicant's proposed building, with its north facing orientation, would look directly into these rooms and would result in a significant amount of overlooking and loss of privacy when using these rooms, which currently does not occur. The height of the bi-fold doors will also result in a clear view into the bedrooms at the rear of our property.

- o The dimensions, scale and massing are of a size which would also create a built element in close proximity to our property and outdoor amenity space and provide a dominant and overbearing structure which will add to the loss of privacy.

For the reasons set out above, it is considered the application is contrary to the requirements of "Amenity Considerations" in policy LP26 (Design and Amenity) of the adopted Central Lincolnshire Local Plan (CLLP), which clearly states that *"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"*.

- Overshadowing and Loss of Light - the erection of the neighbouring garden/room workshop would result in a very substantial level of overshadowing and loss of light:-
 - o The positioning of the applicant's building being positioned to the south west of our property and the building's dimensions; scale; and massing, extending substantially into the applicant's garden northwards, would result in significant overshadowing and loss of light into our outdoor amenity space, when the sun moves round during daylight hours.
 - o This is particularly the case for our patio in the southern half of our garden (as demonstrated in photograph 3 attached) and worsened given the applicant's land is already higher in level than our garden, as stated above.
 - o Therefore, it is considered the building is contrary to the requirements of policy LP26 (Design and Amenity) of the CLLP, specifically relating to the *"Amenity Considerations, bullet points n (Overshadowing) and p (Loss of light)"*. Again, the policy clearly states that *"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"*. It is considered that the overshadowing and loss of light would unduly harm the enjoyment of our property as a result of the proposed building.
- Adverse Noise, vibration and increase in artificial light or glare
 - o The application documents suggest the building could be constructed for the applicant to use a workshop, given the term "garden room/workshop" is included on the applicant's Layout & Elevations Drawing (Drawing No: ST-493/02 – Revision P1). This document also suggests the proposed driveway running past the applicant's northern elevation of this property will continue to the proposed building itself and be laid to gravel.
 - o If this is the case, the use of workshop tools, which are often loud, would create a significant new source of noise - such noise would be in stark contrast to the usual noise sources found in a residential location, such as Western Avenue.
 - o Also, if vehicles are driven to the building along the proposed gravel driveway, it would also create additional noise from the vehicles engines and vehicle's tyres running over the gravel.
 - o Furthermore, if this is done during hours of darkness, the internal lights of the building and vehicles would create a new very significant source of light and glare in the direction of our property, which is not currently experienced and would diminish the enjoyment of our property.

- Therefore, it is considered the building is contrary to the requirements of policy LP26 (Design and Amenity) of the adopted CLLP, specifically relating to the *"Amenity Considerations, bullet points q (Increase in artificial light or glare) and r (Adverse noise and vibration)"*.

Potential Flood Risk and Drainage Issues

- The properties at the eastern end on the southern side of Western Avenue often floods during rainfall, due to the land levels being lower at this end of the Western Avenue and poor drainage in the area. See photographs 7-11 showing the flooding from recent rainfall in our garden.
- Our property is particularly affected due to the applicant's land being higher in elevation than our property, as previously stated.
- It is considered the inclusion of a permanent structure, would not only reduce the area where rainwater could infiltrate into the soil, but also is adding another structure where rainwater would need to runoff into the surrounding ground. Given our garden is situated immediately adjacent the building on lower lying land and we already have a drainage issue, it is considered the proposed building will make this situation worse.
- It is therefore, considered that the application is contrary to policy LP14 (Managing Water Resources and Flood Risk) of the adopted CLLP and policy S20 (Flood Risk and Water Resources) of the emerging CLLP. Furthermore, the applicant has not demonstrated how water runoff from the building's roof will be dealt with to ensure flooding and drainage can be suitably dealt with.

Impact on Character of Area

- It is also considered that the building would not be in-keeping with the character of the area.
- The prevailing character of the properties along the southern side of Western Avenue are dwellings facing north to south and the only buildings to the rear (south) of the properties are single-storey garages or garden sheds. These garages and sheds are predominately immediately to the south east or south west of the dwellings rear elevation with only a small number having sheds along their southern boundaries.
- None of the properties appear to have brick-built structures which are the full width of their gardens/plots along their southern boundaries.
- Therefore, for the reasons set out above, it is considered that the applicant's building is out of character of this prevailing context along the southern side of Western Avenue and is contrary to policy LP17 (Landscape, Townscape and Views), specifically the section relating to *"Character and Setting"*.

Other Matters

- Trees and Hedges
 - It is noted on the planning application form that the applicant has stated there are no trees or hedges on or immediately adjacent the applicant site.
 - However, this is incorrect as there are trees in the southern section of the applicant's garden where the building is being proposed and there is also a leylandii hedge on the applicant's southern boundary (as demonstrated in Photograph 3 attached).
 - Therefore, we would expect that a tree and hedgerow survey should be undertaken by the applicant.

- Asbestos
 - We also understand that the roof of the applicant's existing garage, which he is proposing to remove as part of the application, contains asbestos.
 - Although not a planning matter, we are concerned about the well-known environmental and health impacts of asbestos if the roof is not disposed of correctly.
 - Therefore, we like to make the Council aware of this, in case they are unaware and politely ask that the Council ensures the applicant disposes of the asbestos roof correctly using specialist contractors in the event the garage is demolished.
- Site visit
 - It is noted on the planning application form that the proposed building will not be seen from the road. Given the applicants intention to demolish their existing garage and the height and size of the proposed development it is thought most likely that it will be visible from Western Avenue and it will be clearly visible from Hall Drive looking to the west
 - Finally, we feel it would be most beneficial for the Case Officer to undertake a site visit to consider the potential impacts of the proposed building on our property and the case officer would be more than welcome to visit our property.

Conclusion

- In conclusion, it is considered that this application should be refused by Lincoln City Council on the following grounds:-
 - The proposal would create very high levels of overlooking into our property both internally and into the outdoor amenity space, which in turn, would result in a very significant loss of privacy (policy LP26);
 - The building with its significant dimensions and being positioned to the south west of our property, would create significant overshadowing and loss of light into our outdoor amenity space (policy LP26, specifically "Amenity Considerations" bullet points n (Overshadowing) and p (Loss of light));
 - The application documents suggest the building could be used as a workshop. If so, this would create significant amount of noise from workshop tools and vehicle engines, together with the internal lights of the building and vehicles would create a new very significant source of light and glare, which is not currently experienced and would diminish the enjoyment of our property (policy LP26, specifically relating to the "Amenity Considerations" bullet points q (Increase in artificial light or glare) and r (Adverse noise and vibration)).
 - The properties at the eastern end on the southern side of Western Avenue often floods during rainfall. The proposed building would not only reduce the area where rainwater could infiltrate into the soil, but also add another structure where rainwater would need to runoff into the surrounding ground, making the current flooding and drainage issues worse (policy LP14 of the adopted CLLP and emerging policy S20).
 - The inclusion of a permanent structure along the applicant's southern boundary is contrary to the prevailing character of the properties situated along the southern side of Western Avenue (policy LP17, specifically relating "Character and Setting" section of this policy;

Yours faithfully

C S & K E Archer
Encs
Photos 3, 4, 6
Photos 7-11

Photo 4



Photo 6



Photo 3



Photo 7



Photo 8



Photo 9



Photo 10



Photo 11



11 WESTERN AVENUE

LINCOLN

LN6 7SR

4TH March 2022

Planning Department
City of Lincoln Council
City Hall
Beaumont Fee
Lincoln

Dear Sirs

Re: Planning Application – 7 Western Avenue Lincoln
Application Number 2022/0092/HOU

I would like to object to the above planning application on the following grounds.

1. The proposed building will increase the flood risk within the immediate vicinity due to the fact that there is no provision for any additional drainage or run off from the building. The site in question is already higher than the neighbouring gardens which constantly flood and during times of normal rainfall and do feel that the building is contrary to policy LP14 of the adopted CLLP – Section 20. I have attached a photograph showing the flooding of the garden during the summer of 2021 which shows the considerable amount of water and the ingress into the garden from the rear boundary which only increase should this development occur
2. The building is out of character with the properties in the surrounding area- and due to the height and size will be highly visible to all the neighbouring properties as none have any constructions on their southern boundary and especially as it is the full with of the garden.
3. There will also be an impact on the properties due to the increased noise level due to the building being used as a workshop which creates higher noise levels than a normal garage. The access to the building via a gravelled driveway will also increase the noise level leading to very stark noise from this form of material used together with the vehicle noises. If the property is being used during the hours of darkness then there would also be the infiltration of light into the neighbouring properties especially at first floor level from both the workshop and the vehicles entering and exiting the building.
4. There would also be a loss of privacy as the building is facing north and will look directly onto the rear of the neighbouring properties and due to the fact that as previously mentioned the garden is already higher than the adjacent properties and is a meter higher than the neighbouring fences would cause intrusion and would affect the amenities and enjoyment of the properties.
5. The application makes no mention that there are already trees on the boundary of the property and their impact of removal. Currently there is a leylandii hedge together with yucca trees.

6. The application does state that in order to access the proposed new building it would be necessary to demolish the existing garage which does have an extensive asbestos roof which will need correct disposal in accordance with local authority regulations.

In conclusion we would say that the proposed development creates numerous issues including loss of light, privacy, increased flooding, increased noise and not being in keeping with the area.

Yours faithfully,

David and Gillian King



Mr Gary Dalziel
9 Western Avenue
Lincoln
LN6 7SR



FAO – Development Team
Ref: 2022/0092/HOU

Dear Sir/Madam

Thank you for your recent letter addressing the planning application you have received from 7 Western Avenue for the proposed erection of a single storey outbuilding. I have now had chance to look over the proposal and plans, and after considering at all the details and how the proposed erection would affect my property and our lives, unfortunately I write to you today to oppose the plans.

Scale and Height

The first issue I raise is the proposed buildings scale and height. The applicant's plans indicate that the building would occupy a substantial proportion of the applicants garden lengthways, and be almost fence to fence widthways with a height of 2.7m above ground. The sheer size of the proposal would cause harm to the appearance of my property. The size indicated would mean the building would stand significantly above the height of the current boundary fence and would span the majority of the bottom half of my garden/grassed area. The building would be a dominant and overbearing structure that is far from in keeping with other outbuildings in the area.

Overlooking

The proposed building would cause a significant level of overlooking into my garden and home. The proposed plans show that the applicant intends to install bi-folding doors as well as a main door. There is no indication as to the type of doors these would be, but if in keeping with a garden room building, one would presume these would be of the open window type – much like the applicant currently has to the rear of his house. If this is the case, given the height of the building and as the plans show, these doors will protrude above the boundary fence, giving full view into my garden and the rear of my home to whomever would be inside, resulting in a significant loss of privacy that is not currently present.

Overshadowing

The proposed building would result in a substantial level of overshadowing and loss of light to our garden. The size and scale of the building would mean our garden is shadowed by a dominant brick-built building that would block the sun as it moves round during the day. Our grassed area and flower beds would be affected by this and therefore our ability to enjoy our garden.

Noise, Disturbance and Pollution

The proposed building is also referred to as a "workshop", given what we already know of the applicant we can assume that to mean some draw to his interest in motor vehicles. It would appear the proposal shows a driveway for access to the workshop is included in the plans which again draws me to the conclusion of "motor workshop" with the driveway in place for vehicle access. This raises serious concerns for us in terms of noise and disturbance. Workshop tools and machinery are loud and would cause vibrations. There is also the concern for engine noise as well as air pollution from vehicle fumes. Currently Western Avenue is a quiet and respectable residential area with many residents being of a more mature age, the noise pollution from this type of workshop would cause disturbance not just for the immediate neighbouring properties but also for the wider area. Another concern with a workshop proposal is the increase in vehicle traffic which adds to noise and air pollution. All the houses along Western Avenue have driveways, however given the streets close proximity to local schools and Lincoln City Football ground there is already on occasion extra traffic and extra vehicles parked on the street. Should the applicant proceed with a workshop of the motor variety this could bring with it extra vehicles which would be parked alongside and immediately outside of my property, creating parking and access issues. Also, if the applicant was to use the building as a motor vehicle workshop, the running of engines would cause there to be significantly more air pollution and would affect the air quality for me and my family when using our outside space.

the garden's boundary. These trees are managed by the Bowl's Club to the rear and when these are trimmed it is likely to be on a level with the height of the proposed building. I would also like to note here that this is from ground level in my garden, the applicant's garden sits higher than mine so the height would be taller than the top of the wood I am holding.

Photo 3 – Can I draw your attention again to the piece of wood I am holding, this time demonstrating where the building proposed would come forward to. This picture also offers example to the height of the proposed building being more so than that of anything currently standing.

Photo 4 – This image shows the view from the middle of my grassed area in the garden. As you can see there is clear view to my lounge/dining area and also into the master bedroom and balcony – also that of number 11 Western Avenue.

Photo 5 – This is an image taken from my balcony – this goes to demonstrate how the view of the area would be affected by the proposed building and how unfitting it is with the current surroundings.

Photos 6,7,8 &9 – These images demonstrate the flooding and drainage issues. These images were taken recently on 20/02/2022 after minimal rainfall. These images are on my side of the fence between myself and the applicant's address.

Photo 10 – This is an older photo but one I happened upon in my photo gallery that demonstrates the flooding effect – as you can see the grassed area is swamped.

Photo 11 – This is an image from my hallway window, where you can see the applicant's security camera mounted to the front corner of his home.

I thank you for taking the time to consider these points when making your decision to approve or deny the application from No. 7 Western Avenue.

Many Thanks
Gary Dalziel























Comments for Planning Application 2022/0092/HOU

Application Summary

Application Number: 2022/0092/HOU
Address: 7 Western Avenue Lincoln Lincolnshire LN6 7SR
Proposal: Erection of single storey outbuilding to rear.
Case Officer: null

Customer Details

Name: Not Available
Address: 1 Western Avenue Lincoln

Comment Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment: We live at 1 Western Avenue on the easterly end of the street at the junction with Hall Drive.

We are objecting to the proposed development in the garden of 7 Western Avenue on the grounds of flooding risk and drainage issues.

During rainfall the middle/westerly area of our rear garden floods due to the land being low and poor drainage at this easterly end of Western Avenue.

The flooding starts in the neighbouring properties of No.5 & No. 3, the water then spreads beyond the boundary garden fence line with our neighbour (No.3) into our garden (lawn area and soil border) which then becomes saturated and flooded.

The construction of a permanent building/foundations in the garden of 7 Western Avenue will reduce the ground area where rainwater can permeate, furthermore the surface water from the proposed building roof will runoff into the remaining ground area, and so exacerbating the existing garden flooding issues experienced by ourselves and our neighbours at No. 5 & No.3 Western Avenue.

<https://check-long-term-flood-risk.service.gov.uk/risk> - the property search/map to check for long term flood risk, shows our rear garden as being at high surface water flooding risk and is coloured blue in the area where the flooding/poor drainage occurs.

Finally, it is considered that this application is contrary to policy LP14 (Managing Water resources and Flood Risk) of the adopted CLLP and policy S20 (Flood Risk and Water Resources) of the

emerging CLLP.

Yours faithfully

Fiona Hudson-Brown & Paul Brown
1 Western Avenue, Lincoln, LN6 7SR

Ref Planning Application 7 Western Avenue, Lincoln, Lincs, LN6 7SR

Dear Sir/Madam

Being in close proximity to the proposed building i would raise a few concerns that may well include certain issues that will no doubt be considered when discussing to approve or not.

- My rear garden already is subjected to large amounts of sitting water because of a distinct lack of drainage in our area. I understand the applicants garden is a little higher than others and coupled with a proposed new build on that garden would only worsen the current situation where drainage is concerned.

- There is also a concern that the proposal is of a single storey outbuilding. The usage of this outbuilding is not stated/known therefore if there is a possibility of it becoming a workshop or similar it could be reasonable to assume a degree of noise could be then likely. In addition if noise would be a factor with this proposal the duration during the day of this would be a concern.

- These are the main points I would be concerned about over this proposal.

Yours faithfully

Richard Turner
3 Western Avenue, Lincoln, LN6 7SR

Comments for Planning Application 2022/0092/HOU

Application Summary

Application Number: 2022/0092/HOU

Address: 7 Western Avenue Lincoln Lincolnshire LN6 7SR

Proposal: Erection of single storey outbuilding to rear. (Revised)

Case Officer: Tom Hobson

Customer Details

Name: Not Available

Address: 3 Western Avenue Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: With regard to this revised application I now have further concerns than with the first application.

The current drainage system is widely known to be inadequate in our location which is corroborated by a councillor's report highlighting this fact and attached to this case.

The revised application drawing shows captured rainwater being channelled through the existing drain system ie from the applicants address no.7 and across the rear of no.5 (the host drain) and where the drains of no.'s 3 and 1 join into the host drain which in turn forwards the water and sewage toward the main sewer.

As mentioned previously the drain system is already inadequate and there is a real risk of flooding due to an excess of water input. In addition it is a concern that should the drain network flood then there is the probability of this causing the sewerage content and flood water to combine.

Whilst issues in respect of the drains alone were raised in the initial application, the revised application could in fact cause those drain related concerns to double. The other concerns away from the drains remain in place.

Regards

Richard Turner

5 Western Avenue
Lincoln
LN6 7SR

Lincoln City Council
City Hall
Beaumont Fee
Lincoln, LN1 1DF

23 May 2022

Dear Sir

Planning application 7 Western Avenue, Lincoln, LN6 7SR
Your Ref 2022/0092/HOU

Objection letter 2

Further to your letter of 29th April 2022 advising of revisions to the application.

Potential Flood Risk and Drainage Issues

Further to previous concerns raised in regard to flood risk and drainage issues, we note that the revised plan ST-493/01 rev. A has been submitted, presumably in an attempt to address the concerns raised that the proposed building will exacerbate an existing flooding issue at my property and that of my neighbours and surrounding area.

This revised plan indicates that surface water will be connected from the proposed building roof into the existing system in the garden of no.7 to manage this issue. The point of connection is an Anglian Water Combined sewer which runs to the rear of our properties.

As this system also runs through my property, I am aware that this combined system is very shallow. Due to the lower level of the gardens, the new gravity connection indicated on the plan will likely not be achievable. This solution will therefore not address the concerns raised with regard to exacerbating our existing flooding issues.

Furthermore, as there are existing capacity issues with this sewer, the connection would introduce a new low point in the combined sewer network. This would be at increased risk of flooding than the existing network in the event of surcharge. This would not only further exacerbate the flooding issue but also pose a risk of introducing contaminants to the flood water from the foul effluent in the combined sewer system.

Please also see attached letter received recently from Councillor Clarke regarding surface water flooding in Hall Drive which is situated very close to our properties.

Adverse Noise, vibration and increase in artificial light or glare

Further to previous concerns raised, there is a distinct lack of clarity on the intended use of the proposed property. Drawing ST-493/01 revision A uses the description new garage and workshop as does drawing ST-493/02 revision A. However, on drawing ST-493/02 revision A within the drawing it is described as "garden room/workshop". It would appear that garage/workshop is the intended use and all concerns raised in our letter of 7th March 2022 all very much still apply

Yours faithfully

Mrs K Archer

Dear Residents

Update on the issue of surface water flooding in Hall Drive

Specialist company from Coventry have been cutting roots from pipes and manholes

Apparently, the roots were the cause of the problem, which was causing the surface water

To surcharge.

Next lining of the surface water pipes and any additional repairs that are required to the pipes



Kev Clarke Boutham County Councillor



Cllrk.clarke@lincolnshire.gov.uk

Comments for Planning Application 2022/0092/HOU

Application Summary

Application Number: 2022/0092/HOU

Address: 7 Western Avenue Lincoln Lincolnshire LN6 7SR

Proposal: Erection of single storey outbuilding to rear. (Revised)

Case Officer: Tom Hobson

Customer Details

Name: Mrs Gillian King

Address: 11 Western Avenue Lincoln Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I have seen the revised plans relating to the above planning consent and find that very little has altered from the originals.

The height of the building has been reduced at boundary level to 2.7 metre which is still higher than the recommendations of the planning notes at 2.5 metres. The change of a name means nothing as it is the use that matters together with the ancillary factors.

The drainage is still of a concern as it states that it will be connected into the manhole at No 9 which is not surface water but foul sewage as well and should there be any blockage then this would run back down to the bottom of the proposed building due to the incline. If the surface water were to be drained in this way then water does not go uphill and some form of mechanical option would have to be used which would also cause more noise. There is no other option for drainage as the water to the building behind is already not adequate leading to flooding over the gardens (but this is surface water). The drainage system is old and as it is a mix of foul and surface water is not satisfactory for more volume to be added without new means of either separation or alternative disposal.

The useage for commercial vehicles is still a concern especially being driven over loose gravel and lighting flooding neighbouring gardens at all times of the night.