

Application Number:	2022/0092/HOU
Site Address:	7 Western Avenue, Lincoln, Lincolnshire
Target Date:	1st July 2022
Agent Name:	XL Architects LLP
Applicant Name:	Mr Neil Oxby
Proposal:	Erection of single storey outbuilding to rear. (Revised)

Background - Site Location and Description

The application property is a two storey semi-detached dwelling located on the south side of Western Avenue. The application proposes the erection of a single storey outbuilding located within the rear garden.

The property currently benefits from driveway to the side leading to a detached pre-fabricated garage. It is proposed that the existing garage would be removed to accommodate the new structure and provide access from the existing driveway.

The application is presented before Planning Committee as it has received more than 4 objections.

Site History

2008/0168/F - Erection of a two storey rear extension.

Case Officer Site Visit

Undertaken on 31st March 2022.

Policies Referred to

- National Planning Policy Framework
- Policy LP26 Design and Amenity

Issues

To assess the proposals with regard to:

1. Accordance with National and Local Planning Policy
2. Impact on Amenity of Neighbouring Properties
3. Impact on Visual Amenity
4. Highway Safety, Access, Parking and Surface Water Drainage

Consultations

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

Statutory Consultation Responses

Consultee	Comment
Highways and Planning	Comments received.

Public Consultation Responses

Name	Address
Richard Turner	3 Western Avenue Lincoln Lincolnshire LN6 7SR
David And Gillian King	11 Western Avenue Lincoln Lincolnshire LN6 7SR
Mrs K Archer	5 Western Avenue Lincoln Lincolnshire LN6 7SR
Mrs Gillian King	11 Western Avenue Lincoln Lincolnshire LN6 7SR
C S & K E Archer	5 Western Avenue Lincoln Lincolnshire LN6 7SR
Mr Gary Dalziel	9 Western Avenue Lincoln Lincolnshire LN6 7SR
Mrs Fiona Hudson-Brown	1 Western Avenue Lincoln Lincolnshire LN6 7SR

Consideration

1. Accordance with National and Local Planning Policy

Paragraph 11 of the NPPF outlines that decisions should apply a presumption in favour of sustainable development.

For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay.

Paragraph 130 states that planning decisions should ensure that developments:

- a. will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b. are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c. are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d. establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e. optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f. create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 134 states that great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Paragraph 67 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere as a result of development. When taking into account the minor nature of this householder application it should be demonstrated that:

- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed

The application is for development at a residential property, therefore the following policies within the Central Lincolnshire Local Plan are entirely relevant.

Policy LP1: A Presumption in Favour of Sustainable Development

When considering development proposals, the Central Lincolnshire districts will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Planning applications that accord with the policies within the Local Plan should be approved without delay, unless material considerations indicate otherwise.

Policy LP26: Design and Amenity

The following design principles within Policy LP26 would be pertinent with the development.

- a. Make effective and efficient use of land;
- c. Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths;
- d. Not result in the visual or physical coalescence with any neighbouring settlement;
- f. Incorporate and retain as far as possible existing natural and historic features such as hedgerows, trees, ponds, boundary walls, field patterns, buildings or structures;
- g. Incorporate appropriate landscape treatment to ensure that the development can be satisfactorily assimilated into the surrounding area;
- h. Provide well designed boundary treatments, and hard and soft landscaping that reflect the function and character of the development and its surroundings;
- i. Protect any important local views into, out of or through the site;
- j. Duly reflect or improve on the original architectural style of the local surroundings, or embrace opportunities for innovative design and new technologies which sympathetically complement or contrast with the local architectural style;
- k. Use appropriate, high quality materials which reinforce or enhance local distinctiveness, with consideration given to texture, colour, pattern and durability;
- l. Ensure public places and buildings are accessible to all: this should not be limited to physical accessibility, but should also include accessibility for people with conditions such as dementia or sight impairment for example.

Policy LP26 further 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. Proposals should demonstrate, where applicable and to a degree proportionate to the proposal, how the following matters have been considered, in relation to both the construction and life of the development:

- m. Compatibility with neighbouring land uses;
- n. Overlooking;
- o. Overshadowing;
- p. Loss of light;

2) Principle of Development

The application submitted is for the erection of an outbuilding for the purpose of a workshop and garden room. A number of written representations have questioned the proposed use of the outbuilding and the potential noise and disturbance that may be associated with it. The case officer has subsequently confirmed with the applicant that the structure is to be used as a garden room and store as well as part of a hobby in renovating motor vehicles. This description falls within what would be considered to be ancillary to the residential use

of the dwelling. The applicant is reminded that the use should remain ancillary to the residential dwelling and that any additional noise and disturbance that may be considered to be unduly harmful and beyond what would normally be expected within a residential property would be dealt with via the council's planning enforcement team.

The application has attracted a number of written representations objecting the proposal. The officer's report will cover all of the material planning considerations raised throughout the application process. All representations are copied in full as part of your agenda.

A number of other concerns have also been raised which are not within the remit of the planning process. Nonetheless, these points have been discussed to provide clarity for the members of the Planning Committee.

3) Impact on Amenity of Neighbouring Properties

The proposed outbuilding would be located to the southern end of the rear garden, measuring 7077mm wide and 5728mm in depth with a flat roof measuring a total height of 2.7m. The structure would measure approximately 695mm from the eastern boundary with no. 5 Western Avenue, approximately 600m from the western boundary with no. 9 and approximately 300mm from the southern boundary with the Lincoln District Bowling Club. The proposal would contain a set of bifold doors running the majority of the width of the front elevation with an additional door. The properties currently slope towards the bottom of the gardens with a significant drop from the main dwelling houses as shown within the site photographs included within the agenda. As highlighted by the occupants of the neighbouring dwellings there is an existing rise in land level to the rear garden on the application property, which does add to the overall height of the structure in relation to the neighbouring gardens.

The occupant of no. 5 Western Avenue has submitted written representations objecting to the proposal on multiple grounds, including the overall size and height of the proposal and loss of privacy. The letter of objection includes other concerns which have been addressed within the rest of the report. The outbuilding would be located approximately 5.4m from the neighbouring outbuildings and conservatory at no. 5 Western Avenue with a separation of approximately 12m from the main dwelling and rear offshoot. The proposal has a significant footprint and would undoubtedly have an impact on the rear section of the garden through some overshadowing towards the later afternoon, however, this is limited to the rear gardens and patio areas, and, on balance, this would not be considered to be unduly harmful.

With regard to loss of privacy, the outbuilding would allow some views towards the main dwellings, however, this would only be experienced when stood within the openings and would not hugely differ from being stood in the existing garden due to the nature of the gradient of land. The level of the outbuilding would ultimately be lower than that of the neighbouring main dwellings and offshoots and the proposal would not therefore allow for any overlooking towards the main dwelling and would be looked upon by the rear openings of neighbouring properties. As the structure is an ancillary outbuilding and not part of the main residence, it is not considered that it would be used in the same nature as the main residence and this relationship would not therefore be unduly harmful to either the occupants of the neighbouring dwellings or the host dwelling.

The proposed outbuilding would have a comparable relationship towards no. 9 Western avenue with similar concerns being raised by the occupants of this property. The proposal would be positioned approximately 2.6m from the neighbouring detached garage and

approximately 15m from the main dwelling. Whilst the proposal would be in proximity to the boundary there would be a substantial separation from the main dwelling ensuring that there would be no loss of light towards the main dwelling. The outbuilding would create some shadowing towards the rear gardens in the morning, however this would be minimal and would reduce throughout the day.

The detached garage would be positioned between the proposal and neighbouring dwelling ensuring that there would be no opportunity to overlook, with the outbuilding sitting lower than the main properties.

To the rear boundary the proposed structure would bound the two storey bowls club building and would not therefore have any harmful impact.

Officers consider that the proposal would not therefore, on balance, result in any unduly harmful impacts upon the residential amenity of neighbouring properties.

4) Impact on Visual Amenity

In addition to residential amenity, written representations have presented objections to the application on the grounds of visual amenity and the character of the area. The structure is located to the rear gardens of the property and whilst it would be possible to view an element of the building from the street scene this would not be considered to be a reason for refusal. Moreover, whilst it is stated there are no such large outbuildings in the immediate area there are multiple large offshoots and detached garages, and this should not be a reason to refuse a structure in this location.

The proposal has a flat roof design to minimise its overall impact on visual and residential amenity and it would have an external finish of black stained timber, black powder coated aluminium sliding doors, black fascia and rainwater goods. The chosen materials would not replicate the red brick within the main property, however, positioned to the rear gardens the choice of materials would not be considered to be harmful to visual amenity.

5) Highway Safety, Access, Parking & Surface Water Drainage

Highways and Planning have been consulted as the local highways authority and confirmed that they have no objections to the proposal on the grounds of highway safety, access or parking.

With regard to surface water, the application has received multiple written representations objecting/commenting on the proposal and its potential impact on existing surface water drainage issues on Western Avenue/Hall Drive.

It is important to highlight that there is a significant cross over with building regulations on surface water drainage and the requirement for the development to comply with Approved Document H: Drainage and waste disposal of building regulations. Whilst the structure would have to accord with required regulations the application process does enable some consideration and control over the potential drainage scheme through the submission of details and planning conditions.

It is acknowledged that there is a historic issue with surface water drainage, therefore the case officer has requested further information and specific detail of drainage methods which have been included on the most recent set of revised drawings. The applicant seeks to direct

the surface water to the existing foul drainage system through the means of a pumped system, ensuring that it would be able to be pushed back up towards the main house and into the main system. A further conversation with the Local Authority Building Control team has confirmed that such a proposal would be suitable and, in any case, would have to comply with building regulations.

The existing garage would be removed as part of the proposed development ensuring that this additional surface area would be restored to a permeable surface, resulting in what could be argued as a net reduction in total surface water through the combination of the removal of the existing garage and the redirection of water into the main system.

Should the application be approved then it is considered entirely reasonable to condition the installation of the drainage system prior to the commencement of the use of the structure.

In accordance with the Environment Agency householder minor extension form, the application confirms that the proposal shall be set no lower than existing levels and, flood proofing of the proposed development will be incorporated where appropriate.

It is therefore considered that surface water drainage has been reasonably addressed in this instance.

6) Other Matters

A written representation has highlighted that the removal of the existing historic garage may require specialist contractors should there be asbestos found within the prefabricated structure. This would fall within the responsibility of the applicant and property owner to ensure that this is carried out correctly and in accordance with the relevant laws and it cannot be considered as part of the planning process.

Conclusion

The proposal would not be considered to have any unduly harmful impact upon residential or visual amenity and would appropriately address existing drainage issues, ensuring that the development would accord with local planning policy and the National Planning Policy Framework.

Application Determined within Target Date

Yes.

Recommendation

That the application is granted conditionally.

Recommended Conditions

1. Development to commence within three years
2. Development in strict accordance with the approved drawings
3. Details/samples of materials prior to commencement of works
4. Removal of garage prior to development commencing
5. The proposed drainage scheme shall be implemented on site prior to the commencement of the use of the outbuilding