

<b>Application Number:</b>	2022/0797/HOU
<b>Site Address:</b>	45B Mildmay Street, Lincoln, Lincolnshire
<b>Target Date:</b>	2nd December 2022
<b>Agent Name:</b>	Kingston Design Services Ltd
<b>Applicant Name:</b>	Mr Simon Dalby
<b>Proposal:</b>	Erection of a single storey rear extension (Revised Plan received 9th November 2022).

### **Background - Site Location and Description**

The application propose the erection of a single storey rear extension. The application property is 45B Mildmay Street the property is part of a large terraced building converted to 3 dwellings in the early 2000's.

The site is located within a well-established residential area.

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

The application was subject to extensive negotiations with the agent securing revisions to the proposal to overcome some of the concerns raised by neighbours. Revised plans were submitted and a re-consultation was carried out.

The application is brought to Planning Committee due to the number of objections against the application and Councillor Nannestad has requested that the application is determined by Committee.

### **Site History**

No relevant site history.

### **Case Officer Site Visit**

Undertaken on 12<sup>th</sup> October 2022 and 21st October 2022

### **Policies Referred to**

- Policy LP26 Design and Amenity
- National Planning Policy Framework

### **Issues**

To assess the proposal with regards to:

- Planning policy
- Effect on visual amenity
- Effect on residential amenity
- Effect on Highway Safety

### **Consultations**

Consultations were carried out in accordance with the Statement of Community

Involvement, adopted January 2018.

Comments have been received as part of the consultation process. They can be viewed in full online or at the end of this report.

### **Statutory Consultation Responses**

Consultee	Comment
Highways & Planning	Comments Received
Environmental Health	Comments Received

### **Public Consultation Responses**

Name	Address
Dr Carina O'Reilly	
Mr M I Lloyd	43 Mildmay Street Lincoln Lincolnshire LN1 3HR
Kate Wilson	3 Olive Street Lincoln Lincolnshire LN1 3HT
Mrs V Jones	Poplars Dunholme Road Welton Lincoln LN2 3RZ
Emma Brearley	
Gary A Milner	
Mrs M Prescott	5 Olive Street Lincoln Lincolnshire LN1 3HT
Mrs Jeta Tayler	13 Olive Street Lincoln LN1 3HT
Cllr Donald Nannestad	26 Saxon Street Lincoln LN1 3HN

## **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 require planning permission as flats do not have any permitted development rights. Given the proposed development would be in an established residential area, the principle of developing an existing dwelling would be acceptable in principle. However, this is dependent on consideration of other matters, including design and amenity issues.

The proposed extension would measure 3.8 metres wide x 3.3 metres deep x 2.3 metres to the eaves and a further 1.6 metres to the top of the ridge.

### **Residential Amenity**

Letters of representation have been received from 43 Mildmay Street, 3, 5 and 13 Olive Street and the owner of 41 Mildmay Street, other representations have been received but no addresses have been provided.

The concerns relate to:

- Over-development of the site
- The proposed development being out of character/out of keeping and failing to respond to positively to its environment
- Loss of amenity space for the application property
- Loss of light to neighbouring properties
- Loss of privacy for neighbouring properties
- Bin Storage
- Anti-social behaviour/crime
- Noise and disturbance during construction

A level of noise and disturbance will inevitably occur during the construction period should the application be granted planning permission and building works commence, such matters are temporary and do not constitute reasons to refuse a planning application in any case should these matters become a larger issue the complainant could pursue a statutory noise complaint. Covenants, Ancient Right to Light and the Party Wall Act are also not material planning considerations.

The proposed extension would extend from the existing two storey rear off-shoot for 3.3 metres and would be located approximately 0.9 metres from the boundary with 43 Mildmay Street which is defined by an approximately 0.5 metre high boundary wall. The key issue is considered to relate to the impact upon light and outlook for this adjoining property. Number 43 has a ground floor flank window facing the site and this is understood to be the

only window serving the room, which is a kitchen, there is also a window with the rear elevation which serves a habitable room. Whilst the proposal would clearly have an impact in terms of light and outlook, it must be considered that this proposal is single storey only and of the roof would slope away from number 43. Moreover, the application site is orientated to the north therefore there would be no loss of direct sunlight. Indeed, the proposed extension would have a low eaves height of approximately 2.3 metres and an overall height of less than 4 metres. The existing two storey dwelling already has a significant impact in terms of the light and outlook to the side window and the proposed extension, which would be largely within the shadow of the existing house, is not considered to have a significantly greater impact. Although the outlook would be of a solid brick wall, as stated, it would have a low eaves height of approximately 2.3 metres and the roof would slope away from number 43 and, given the interface distance would not change, it is not considered to be so harmful in terms of outlook to justify a refusal. It is concluded that the impact upon light, overshadowing and outlook would not be so severe as to justify a refusal. The applicant has revised the proposals during the application process to remove a proposed door facing No. 43, there are no further openings proposed as the property is a flat any new openings would require a further planning application.

Concerns have been raised by neighbours that the extension coming closer to the shared passageway would encourage anti-social behaviour and increase the fear of crime. It is worth noting householders along this passageway could erect boundary treatment up to 2 metres high without the need for planning permission. The applicant has responded to comments from neighbours with the inclusion of carefully located dusk to dawn lights located on the end of the extension and leaving a 0.9 metre gap between the boundary wall and the extension, so a solid wall would not be located up to the boundary.

There had also been concerns raised regarding room for bin storage the applicant has submitted a plan to show a new bin store contained within the site to serve the existing properties.

To the rear are properties on Olive Street the proposal would be obscured from these properties by the two-storey side elevation of 1 Olive Street there would therefore be no harm to the residential amenities of these properties.

There are no other properties in the vicinity which would be affected by the proposal it is therefore considered that the development would not cause undue harm to the amenities which occupiers of neighbouring properties may reasonably expect to enjoy, in accordance with CLLP Policy LP26.

The City Council's Pollution Control Officer has confirmed they have no observations to make regarding this application.

### Visual Amenity

Concerns have been raised that the proposal would be an over-development of the site. The application site is a built-up residential area where extensions to properties are considered acceptable. The proposal would result in the loss of a large proportion of the spacing between the property and the side boundary. However, the loss of this spacing would not have a significant detrimental impact on the character and appearance of the street scene. It would reflect similar existing developments in this type of location, and would not represent a prominent or visually intrusive feature

The materials, windows and detailing would match with that of the existing dwelling and the design is considered sympathetic to the existing dwelling. The proposed extension would clearly be of a subordinate scale to the existing house, and it would not be overly prominent or destroy its form or character. Officers are satisfied that the scale and design of the proposal would be appropriate to the dwelling and the local area. The proposal would therefore reflect the original architectural style of the property and not cause harm to the local character, in accordance with Central Lincolnshire Local Plan Policy LP26.

#### Effect on Highway Safety

Lincolnshire County Council as Highway Authority has assessed the application 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.

#### Central Lincolnshire Local Plan Review

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft ("Reg 18") of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission Draft ("Reg 19") of the Local Plan was published in March 2022, and was subject to a further round of consultation. On 8th July 2022, the Local Plan Review was submitted to the Planning Inspectorate in order for it to commence its examination.

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF, the decision maker may give some weight to relevant policies within the submitted "Reg 19" Plan, with the weight to be given subject to the extent to which there may still be unresolved objections to those policies (the less significant the unresolved objections, the greater the weight that may be given).

#### Application Negotiated either at Pre-Application or During Process of Application

Yes.

#### Financial Implications

None.

#### Legal Implications

None.

#### Equality Implications

None.

#### Conclusion

The proposed extension 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 subject to the following conditions:

- Time limit of the permission
- Development in accordance with approved plans
- Implementation of bin storage