

**2022/0797/HOU - 45B Mildmay Street. Lincoln. Lincolnshire. LN1 3HR**

**Consultation responses**

Mr M I Lloyd - 43 Mildmay Street, Lincoln, Lincolnshire, LN1 3HR

Re Planning Application 2022/0797/HOU Rear Extension 45B Mildmay Street

Thank you for your letter dated October 10th 2022 inviting comment on the above proposal. My objections are as follows:

1. The proposal clearly constitutes over-development, because it would be in very close proximity to the surrounding buildings, which are themselves in very close proximity to each other and have only small front and rear curtilages. Arguably the conversion of the single house on the site (45 Mildmay Street) into three self-contained tenements about 20 years ago, was in itself already over-development. The present proposal would result in two bedrooms, a bathroom, a kitchen / diner, and a lounge, at 45B. Isn't that a description of a house? So one house, which became three tenements, would become two tenements plus the equivalent of a house - too much development.

2. Although the proposal is for one storey, once a footprint has been established, there could be future proposal for addition of a second storey.

3. The development would set a precedent for anyone to build covering virtually the length of their rear curtilage blocking light to neighbouring houses.

4. The extension would leave just a narrow blind L - shaped access to the tenement's sole access door, with no line of sight from the street, posing a potential security risk for tenants and access difficulties with large furniture. There is only a low (approx. one metre high) wall between the site and my property, so the said access difficulties would likely mean the unacceptable scenarios of furniture encroaching over my property and further damage to the wall which is already leaning over my garden.

5. It is proposed the sole access door be a new door in place of the obscure glazed kitchen window, This door would be only 1.3m (approx.) from my boundary and face directly my kitchen window, overlooking my property and garden, and the resulting lack of privacy would feel intimidating and confrontational. The confined space between the existing rear offshoots of my own house (43) and 45 is poorly ventilated and has three gas flues and three bathroom extractor fans from the three tenements venting into it. The extension would reduce air flow and ventilation further. In addition 45B could be let to smokers who would likely smoke outside their door, causing further pollution which as an established carcinogen would be harmful to me. The door in this position would be severely detrimental to my privacy and amenity for being overlooking and too close.

6. My understanding is planning proposals need take into account neighbours' reasonable expectation of a view. Now and historically, I have enjoyed a view across the site to Olive Street and Mount Street both from my garden and rear ground floor windows. This would be lost. There would be no view.

7. The extension would significantly reduce the available natural light to the rear ground floor windows of my house, which have historically enjoyed such available natural light. The only outlook from the downstairs rear of my house (kitchen and dining room windows) is across the rear yard at 45B. Natural light at eye level is already restricted by the existing rear offshoot at 45 and the side elevation of 1 Olive Street. The extension would block ALL natural light at eye level and it would feel like living in the bottom of a pit. Furthermore I would lose evening sunlight and warmth, the house can be cold and damp, which would be made worse. Natural light is an established need and right. Affected property owners have rights under the 1832 Prescription Act (ancient lights) and even if planning permission is granted, can apply to the court to have work halted and obstructing buildings demolished.

8. The extension would seriously reduce natural light to my small courtyard garden. Light is already blocked from the east by my own house and from the west by 1 Olive Street, and the extension would block light from the north also. It is established that outdoor spaces and gardens are important for people's mental wellbeing. Despite its smallness my garden has flowering shrubs attracting bees, so any loss would impact wildlife as well as my enjoyment.

9. The passageway alongside 1 Olive Street is a communal access to the rear of several houses in Mildmay Street and Olive Street, and the proposed building would be detrimental to the general amenity of local residents because it would reduce the openness of the shared passageway, resulting in loss of amenity and potentially cause security issues because the passageway and rear of the houses would be obscured.

10. Previous applications to build on that site have been refused: LD05/0408/84 refused July 1984, 98/481/F refused August 1998. Reasons for refusal included that (the building) '... would reduce the natural light available to (the neighbouring house) and would also have a visually overbearing and oppressive effect on it, ... which would seriously detract from the amenities which residents of the neighbouring house would reasonably expect to enjoy.'

11. The property (45, 45A, 45B Mildmay Street) changed hands just over a year ago, and during that time I have been subjected to many months of noisy work, including excruciatingly loud noise, unreasonable hours, seven day working, 12 hour days, contractors sometimes not leaving until late evening or early hours. This has severely affected my physical and mental wellbeing, and I would be unlikely to endure more of the same. During work at the site in previous ownership, it was an unsecured building site for over a year, with no attempt to screen my property from dust. At one point my garden looked as if covered in thick volcanic ash and several plants perished. Recently a lot of time and money has been invested in my garden and I do not want it ruined again.

12. There would need to be excavations for foundations, and these would be within 3m of existing older structures which have relatively shallow foundations, and owners of neighbouring properties have rights under the 1996 Party Wall Act, including applying to the courts to have work halted or required underpinning.

13. There is already limited outdoor space for the three tenements, and the extension would take up most of the curtilage, severely restricting outdoor storage space (bins).

14. While each application is decided on its individual merits, there is nonetheless an expectation of consistency in planning decisions. The character of this part of the City is closely knit terraces with small curtilages front and rear. With such tight knit terraces, it is important that the visual relief of the rear spaces be maintained. Loss of openness at the rear of such houses would reduce the general quality and character of the townscape. The proposed development would set an undesirable precedent, which, if repeated, would have a cumulative effect of eroding the character of the City and residential amenity.

The proposal conflicts with several aspects of the Central Lincolnshire Local Plan (April 2017) for the following reasons:

15. Policy LP9 - Health and wellbeing. Where any potential adverse health impacts are identified, applicant will be expected to demonstrate how these will be addressed and mitigated. Please refer to paragraphs 5, 8 and 11 above.

16. Policy LP17 - All developments should take account of views and townscape - 7.3 protecting Lincoln's character. Please refer to paragraph 14 above,

17. Policy LP26 - Design principles.

Paragraph (c) (development should) respect existing topography / relate well to site and surroundings especially in relation to height, massing, plot widths. Extensions must achieve high quality sustainable design that contributes positively to local character and townscape. Must take into consideration character and local distinctiveness of area. Please refer to paragraphs 1, 4, 5, 6, 7, 8, 9, 11, 12, 13 and 14 above.

Amenity considerations.

Paragraphs (n) overlooking - please refer to paragraphs 4 and 5 above.

(o) overshadowing - please refer to paragraphs 6, 8 and 9 above.

(p) loss of light - please refer to paragraphs 7 and 8 above.

(s) adverse impact on air quality from odour, fumes, smoke, dust - please refer to paragraphs 5 and 11 above.

(t) adequate outdoor waste storage - please refer to paragraph 13 above.

(u) creation of safe environments - please refer to paragraph 4 above.

The applicant has failed to consider the effect on neighbours, amenity, compatibility with neighbouring buildings, loss of light, a safe environment, and overshadowing and overlooking effects.

18. Policy LP29 - Proposal should seek to make a positive contribution to the built environment and quality of life in the Lincoln area. Please refer to paragraphs 1, 4, 5, 6, 7, 8, 9, 11, 12, 13 and 14 above.

In conclusion, there would be three levels of negative impacts of the proposal: Personally, on other residents in the area, and on the City. From a purely personal point of view, why should my quality of life be taken away for someone else's benefit? This is an inappropriate and unsympathetic proposal on so many levels, and I strongly urge the local authority to refuse it.

Mr M I Lloyd, 43 Mildmay Street, Lincoln, LN1 3HR

Re: Planning Application 2022/0797/HOU Rear extension 45B Mildmay Street (revised)

Thank you for your letter dated 7th November inviting comment on the above proposal as revised. My objections remain as outlined in my comments submitted 31st October together with the following:

The revised proposal shows the access door in Olive Street so paragraphs 4 and 5 can be disregarded.

The proposal is nevertheless still in conflict with several policies stated in the Central Lincolnshire Local Plan (April 2017)

Stated objectives include to maximize health and wellbeing, and protect and enhance the townscape. The proposal would reduce my personal health and wellbeing and hardly protect and enhance the townscape, as outlined in my previous comments.

Policy LP 9 Health and Wellbeing. 'The potential for achieving positive mental and physical health outcomes will be taken into account. Where any potential adverse health impacts are identified, the applicant will be expected to demonstrate how these will be addressed and mitigated.' Please refer to paragraphs 8 and 11 of my previous comments which include the overshadowing of my garden and resulting loss of enjoyment which would be detrimental to my wellbeing.

Policy LP 17 Landscape, townscape and views. 'Proposals should have particular regard to maintaining and responding positively (to the) townscape.' Please refer to paragraph 14 where the likely erosion of the townscape is discussed, as such an extension, inappropriate in the location, and an over-development on an already over-developed site, would set an undesirable precedent.

Policy LP 26 Design and Amenity. 'All developments, including extensions and alterations to existing buildings, must achieve high quality sustainable design that contributes positively to local character, landscape and townscape. Developments should relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot width.'

Design. 'All development proposals must take into consideration the character and local distinctiveness of the area. Proposals will be required to demonstrate (they)

(c) respect the existing topography ... and relate well to the site and surroundings particularly in relation to ... scale, massing, site width. Basically the proposal doesn't: Please refer to paragraphs 1, 6, 7, 8, 9, 11, 12, 13 and 14.

(k) use appropriate high quality materials which enhance local distinctiveness. As can be seen on my photo ML1 and some taken by a Planning Officer, the existing extension / offshoot is covered in unsightly discoloured render. A photo taken by a Planning Officer also shows two windows of the main body of the house blocked up with ugly breeze blocks as a glowing advertisement for the quality of finish of development at the property so far. Viewed from my property, the building looks like something dropped in from a long-disused industrial site, creating such a vortex of misery it is inadvisable to gaze at it too long, and the proposal is for yet more render finish, presumably to enhance and complement its own unattractiveness.

Amenity Considerations. 'The amenities which all ,, 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 ... how the following matters have been considered

(o) overshadowing. Please refer to paragraphs 6, 8 and 9. Furthermore, arguably the existing extension / offshoot was already over-development and has an oppressive effect; it is already overbearing and overshadowing my property, because its upper storey extends further to the rear, and is closer to its neighbours boundary, than the rear offshoots of the nearby houses, as can be seen on my photo ML1 and photos by Mrs V Jones.

(p) loss of light. Please refer to paragraphs 7 and 8, and my photos ML2, 3, 4, and 5, which show the existing views from my kitchen window and garden, and the same views with the projected position of the extension and resulting loss of light shown blacked out. The extension would also significantly reduce the available natural light to the bay window of 1 Olive Street.

(s) adverse impact on air quality from odour / fumes / dust. Please refer to paragraph 11 - the proposal fails to show how factors such as dust would be mitigated during construction, furthermore the extension would likely reduce air flow and ventilation at the rear of my house which is already poorly ventilated (as intimated in paragraph 5)

(u) creation of safe environments. Please refer to paragraph 9. Although the drawings show an access between the extension and the boundary wall alongside the private passageway which runs alongside 1 Olive Street, the measurements imply the build would extend almost to the abovementioned boundary wall. There would no longer be a clear line of sight to the rear of my house and several neighbouring houses from Olive Street, this would make the properties more vulnerable to crime. It would also make the passageway, which is used by several residents, very oppressive, possibly threatening, and feeling 'closed in' thereby harming the amenity of those residents. The revised plans show dusk to dawn lights on the extension, but this misses the point and would be a curate's egg. Lighting would likely dazzle residents wishing to access the passageway and make it hard to see down it. It would also be light pollution under a bedroom of 1 Olive Street. Lights can also attract people to gather (ASB).

Policy LP 29 'Proposals ... should seek to make a positive contribution to the built ... environment and quality of life in the Lincoln area.' Basically the proposal doesn't do so - please refer to paragraphs 1, 6, 7, 8, 9, 11, 12, 13 and 14.

Policy LP 37 Sub-division of dwellings - policy to the effect it should not cause harm to amenities of neighbours - arguably previous sub-division has already (though this is subjective).

It has been suggested justification for the proposed extension is the tenement 45B does not meet modern space requirements - however that only applies to a new build so is inapplicable in this case. The property 45 Mildmay Street was a single dwelling house, and this had been divided into three self-contained dwellings each of similar size. Mundys sales particulars clearly showed floor plans and room dimensions when the property was offered for sale last year. If 45B is considered too small then surely the other two dwellings are too? The previous owner chose to split the house into three dwellings and presumably the current owner chose to continue the arrangement rather than reconfigure into two larger apartments. So any argument 45B is too small defies its own logic. Squeezing three rental incomes out of the one house is again a choice.

The house is already intensively used being split into three dwellings, and from memory all three have been occupied 'as they are' since conversion about 20 years ago. The proposal would not meet any local housing needs. Addition of one small room to an existing dwelling, is a luxury, not a necessity, therefore the planning proposal cannot override neighbour amenity considerations. Furthermore the rear curtilage is small and the proposal of 3.3 x 3.8m would yield quite a small internal room area, about the floor area of my tiny galley kitchen, hardly the good size lounge room anticipated.

To conclude, it is unbalanced and unreasonable for myself and so many neighbours to suffer loss of amenity and security for such a small gain by the applicant. My house would no doubt lose value if boxed in by an overshadowing, overbearing extension in such close proximity, causing loss of light to kitchen and garden, and substantial loss of enjoyment of my house, and in my view the proposal is ill-thought-out not least in size, selfish and inconsiderate.

2022/0797/HOU ML1



2022/0797/HOU ML 2

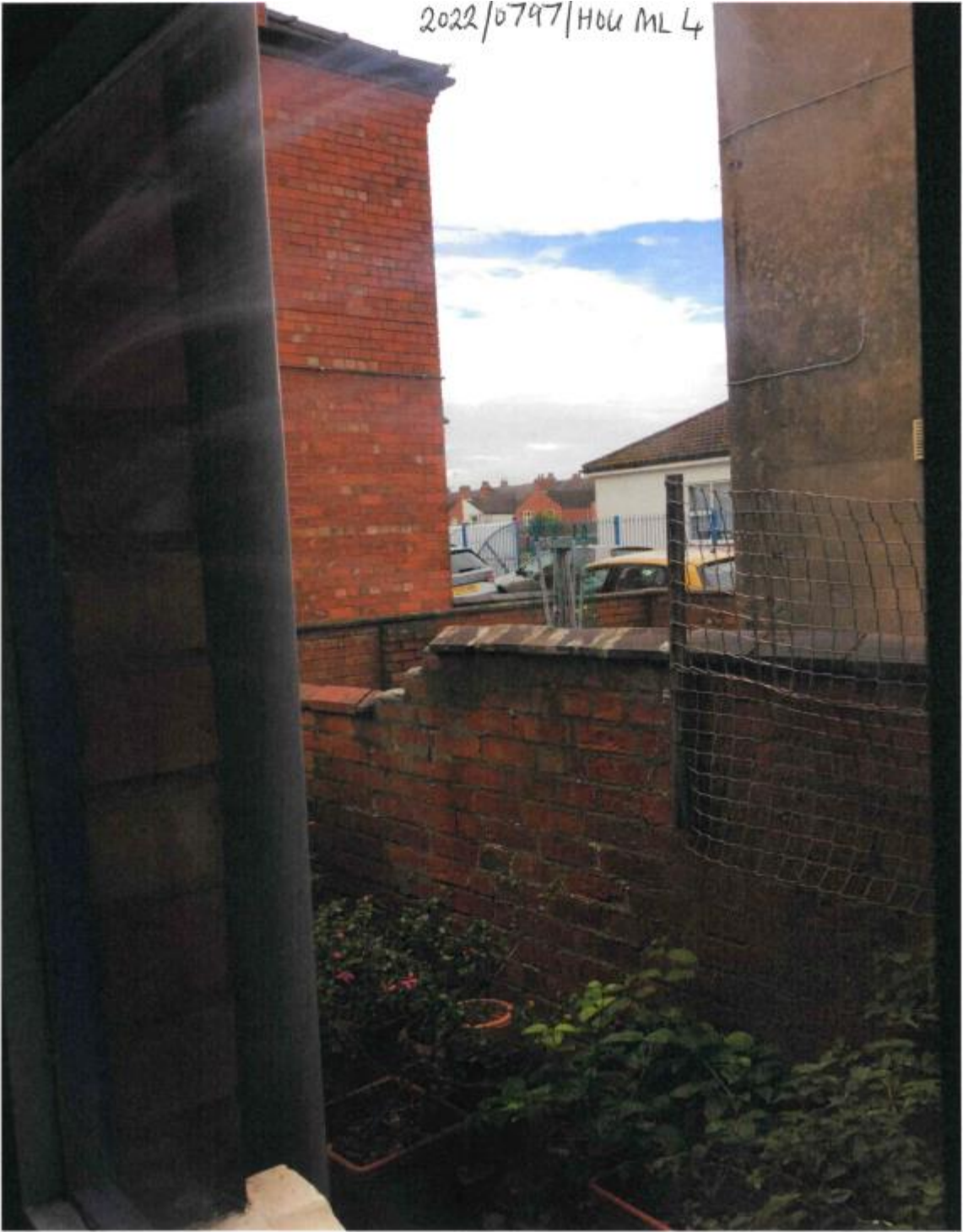


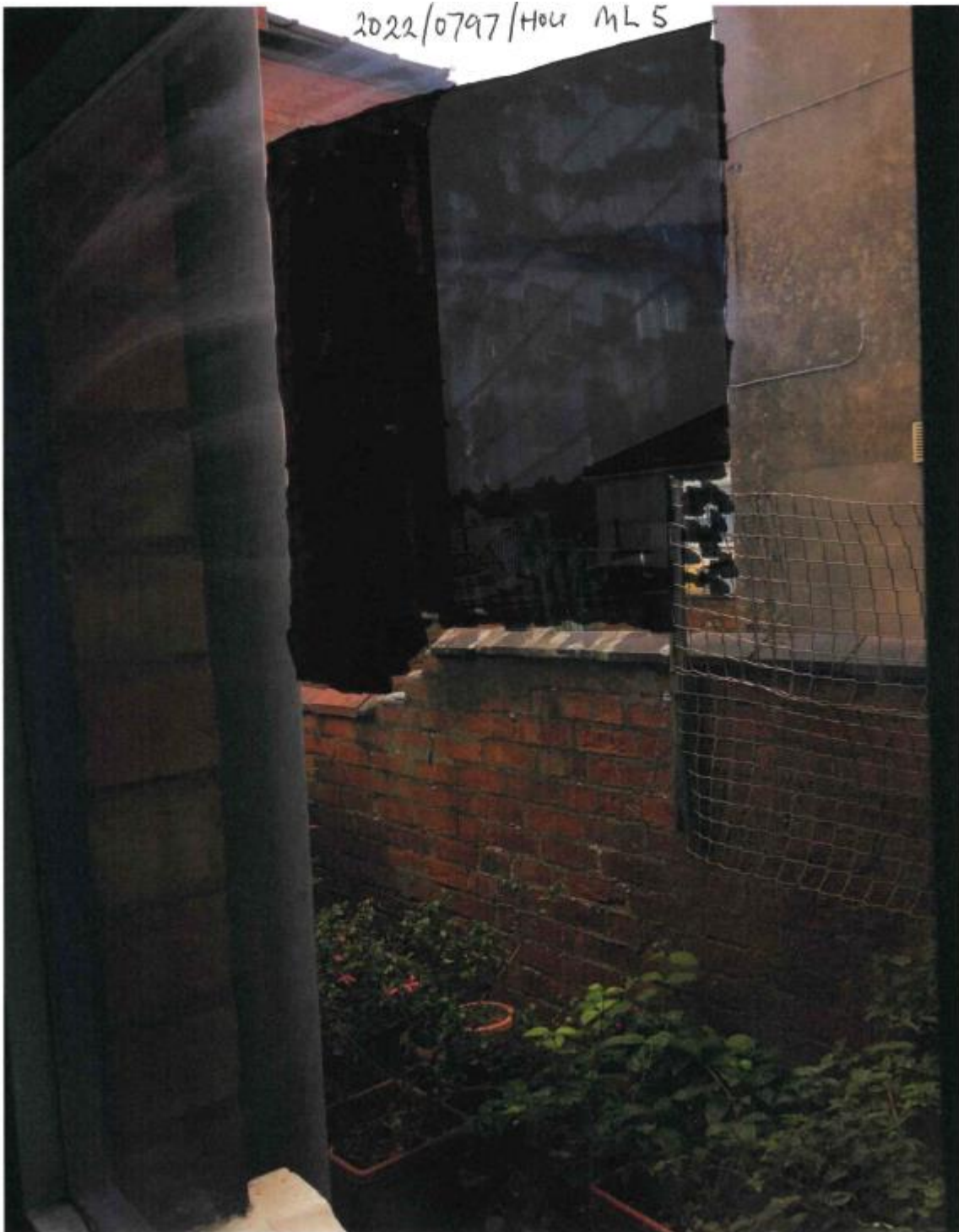
2022/0797/HOU ML 3





2022/0797/HOU ML 4





Kate Wilson - 3 Olive Street, Lincoln, Lincolnshire, LN1 3HT

I am emailing regarding the planning application for work to be done on 45b Mildmay Street, Lincoln.

My objection takes three parts:

1. It would have a profound impact on the resident of 43 Mildmay Street, overpowering his house and blocking light from his garden.

2. The passage running behind the houses on Mildmay Street is also used as access for residents of Olive Street and a building at the end of it would make it very dark and threatening. Over the years that I have lived here there have been several instances of people coming down the passage who have no right to be there. I feel very strongly that this activity could increase if there wasn't clear sight down the passage and the small amount of light that shines from the street lights was curtailed.

3. I believe there is a likelihood that if planning permission were to be granted for a single storey extension it would not be long before a further application were put in to make it a two storey building which would exacerbate both of the above points.

With thanks

Kate Wilson

Mrs M Prescott 5 Olive Street, Lincoln, Lincolnshire, LN1 3HT

I would like to register my objection to the above planning application on the following grounds.

The Property with an extension will make the access passage that serves the houses to the rear of Mildmay Street and Olive Street very dark.

There will be no room to keep rubbish bins for the current flats of No. 45, 45a and 45b on the property which means the bins will be left on the street all of the time.

I also have concerns that in the future the developer will wish to extend upwards exacerbating the above mentioned issues with light.

To extend this property will allow more tenants into the property who may create more traffic to already congested streets.

I also consider it would greatly affect the owner of number 43 Mildmay Street whose small garden would be completely overshadowed by an extension next door.

I hope that you will take account of the above objections and concerns.

Cllr Donald Nannestad – Castle Ward - 26 Saxon Street, Lincoln, LN1 3HN

I request that this go to the planning committee for a decision. This building was originally a single property and was a corner shop with a flat above. The building was originally number 45 Mildmay Street but has since been split into three properties (45, 45A and 45B). The addition of a single storey extension to 45B would have a considerable effect on the adjoining property at 43 and mean that one property has been divided into four. The development removes the back yard. A question arises as to where wheelie bins would be stored as there is no space. The proposed extension is immediately next to the path running behind the neighbouring properties and additional development creates a safety issue. In addition there are considerable traffic/parking issues in this area due to its proximity to Mount Street School and an extra property will add to the problem.

Cllr Donald Nannestad – Castle Ward - 26 Saxon Street, Lincoln, LN1 3HN

I would like my original comments on this application to stand. I would also support the comment of the resident who says they did not see any street notice publicising the application. I regularly walk down this street, went to look at the scene before making my original comments and there was no notice attached to any lamp post/telegraph pole, etc.

My comments were made as a ward councillor although they appear on the website as if I am commenting as a resident.

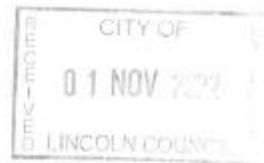
I reiterate my request that this should go before planning committee and request to speak.

Mrs Jeta Tayler 13 Olive Street Lincoln

I wish to object to the application for the erection of a single storey dwelling as proposed to 45B Mildmay Street Lincoln LN1 3HR. Building this extension will have an effect on the adjoining properties for light and privacy and their value.

Also, it is the only place where the occupants of 45B Mildmay Street can house their wheelie bins which are constantly left in Olive Street causing less footpath for use of the public especially people using motorised scooters and people with baby buggies and children.

Mrs V Jones  
Poplars  
Dunholme Road  
Welton  
Lincoln LN2 3RZ



Directorate of Communities & Environment  
Simon Walters MBA,ACG,MCMI  
City Hall  
Beaumont Fee  
Lincoln  
LN1 1DF

30<sup>th</sup> October 2022

Your ref. 2022/0797/HOU

Dear Mr Walters

As the owner of 41 Mildmay Street, Lincoln I would like to make an objection to the proposed single storey rear extension to 45B Mildmay Street.

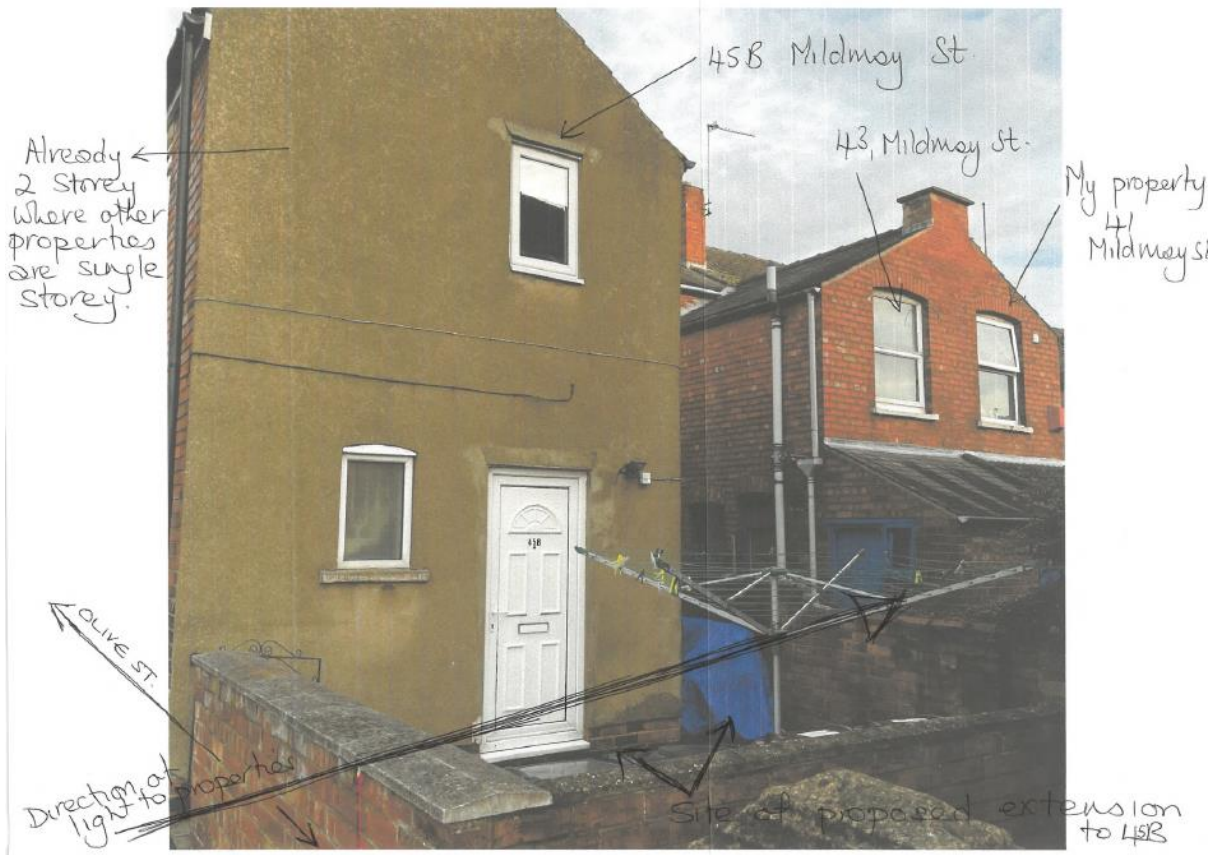
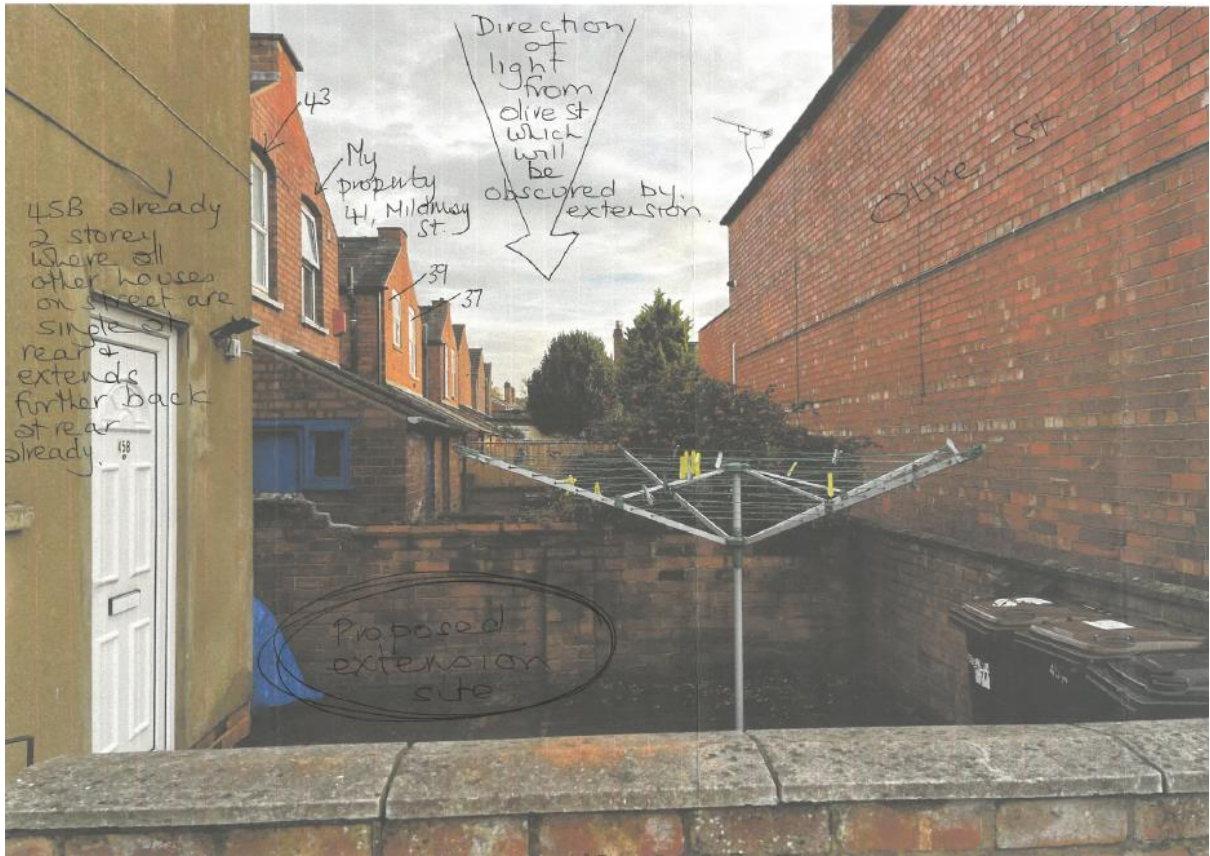
I am objecting on the grounds of loss of light to the rear of my property. The only natural light to the rear of my property and properties 43,39 and 37 Mildmay Street is from Olive street adjacent to 45B Mildmay street and is directed from Olive street across 45 Mildmay Street, then 43, then my property 41 and then properties 39 and 37 Mildmay Street. There is limited light already directed onto the back of these properties due to a two storey end terrace built on Olive street which sits at 90 degrees to the rear of the properties listed above.

The property 45B already has been extended at its rear such that it is already a two storey building at its rear already blocking light from 43 and 41 which are single storey buildings at their rear. 45 B already extends further back at the rear of the property compared to the other properties in the row- see photo enclosed and I shall be highly disappointed if this development goes ahead to the detriment of several properties and their residents in Mildmay Street.

Yours sincerely

Mrs Victoria Jones





Emma Brearley

I would like to object to the planning application for the extension on 45B Mildmay Street. My reason for this is the extension will block the view of the yard of my house from Olive Street, which will make my garden and the passage way less safe and more susceptible to crime.

Gary A Milner

Good Morning.

I have today been given a copy of the letter/application as detailed above. I am aware that this building does not affect me directly but I am within the Conservation Area which is just across the road (Mildmay Street).

I have studied the plans and have a few comments.

I was under the impression that there should be a Notification of Application of Planning Permission poster on the outside of the building/or nearest lamppost/telegraph pole, I haven't actually seen one on any occasion when I have walked past (at least 40 times since 10th October). I was only made aware of the intention to build when I overheard a conversation.

I have previously been advised that any new builds/ extensions which border the public footpath need to be built 1m from the footpath. The present garden wall could be replaced but not modified.

I have concerns that the proposed exit from the building would be down the passage which in an emergency could hamper the escape.

The yard is presently used for storage of the plastic bins to comply with the Councils rule that "bins should not be stored overnight on the public path", if this extension is allowed there would be nowhere to safely store the bins without hampering an Emergency Escape. Additionally it is already an Assault Course to walk down Olive Street, which is unlit when some go to work.

I note that there appears to be only 1 entrance/exit to the flat which appears to contravene building regulations.

One of the neighbours has expressed a concern about the decrease of light within their property, so really there needs to be some consideration for the neighbours.

I was aware of a previous application for a building on this site, and the reasons for the Councils rejection still stand.

Should you have any comments, please feel free to contact me.

Dr Carina O'Reilly

**Response to planning application at 45 Mildmay St (Ref 2022/0797/HOU)**

I'm writing as a near neighbour to this property to register my objections. My objections are as follows:

1. The existing extension, while over-large and unattractive, is of a piece in terms of length with the neighbouring properties. The newly proposed extension fills the entire existing rear open space, which is out of keeping with all of the nearby houses. There exist longer extensions to properties in these streets, but these are houses with much longer gardens - the stretch of properties within which 45 sits have very small backyards, a space which would be completely built over under this application.
2. The extension is a bulky overdevelopment of a property that is already overdeveloped. It is not in keeping with the Victorian character of the neighbouring houses and fails to respond positively to its environment.
3. The proposed extension will dominate the neighbourhood and block the light entirely from the garden of number 43.
4. The existing windows on that side of the house are frosted to prevent overlooking. The replacement of a window with a door for access, instead of the existing door at the end of the house, will have a detrimental effect on the privacy of number 43.
5. The lack of light on that side of the building will also likely require external lighting in order for the residents of the new extension to use the new access. This will damage the amenity of number 43 by glaring into the garden and the house, the bedrooms of which overlook the new access.
6. The development will also block light to and physically overwhelm the passageway that serves all the properties at that end of Olive St and Mildmay St. This will have a detrimental effect on the amenity of all the neighbours and is likely to increase the risk of litter, crime and ASB.
7. The proposed development allows no space for the storage of bins to this already over-developed property. These will have to be stored on the pavement, causing a nuisance and health hazard to neighbouring properties as well as blocking access to the pavement and the access passageway.

The proposed development lies very slightly outside the border of the Newport and Nettleham Road conservation area (by a matter of metres). While this means that the prescriptions of the local plan that refer to conservation areas do not apply, concerns for the retention of the character of the local area should be given weight.

Local Plan Policy LP26 on design and amenity states that "All development, including extensions and alterations to existing buildings, must achieve high quality sustainable design that contributes positively to local character, landscape and townscape". Development should "relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths". It is



clear that the proposed extension does not achieve these, physically dominating the surrounding space and, through the blocking of light to the rear passageway, damaging accessibility to all the neighbouring properties - particularly number 45, whose owner is a gardener who uses his space to grow a range of rare fuschias. The development would destroy his amenity.

The proposal is also in breach of LP26 with regard to:

“m. Compatibility with neighbouring land uses;

n. Overlooking;

o. Overshadowing;

p. Loss of light;

q. Increase in artificial light or glare;

s. adverse impact on air quality from odour, fumes, smoke, dust

t. Adequate storage, sorting and collection of household and commercial waste, including provision for increasing recyclable waste;

u. Creation of safe environments.”

In fact it is hard to find elements of Local Plan policy LP26 that this proposed extension does not breach.

Local Plan Policy LP37 speaks directly to the conversion and extension of existing dwellings. Para 7.11.1 remarks on the problems caused by insensitive conversion of buildings and the detrimental effects on the residential amenity of neighbours. It notes that such development will only be supported if it can be established that there is no harm to the the amenities of future occupants, neighbours and the wider area; and adequate provision is made for external communal areas, bin storage and collection. This development causes demonstrable harm to the amenities of neighbouring properties, destroys the property’s external communal area, and makes no provision for bin storage and collection.

In summary, the proposed development risks establishing a precedent of overdevelopment in this quiet residential street. It is in breach of basic planning policies regarding massing, character and overlooking, and the retention of natural light and other amenities, and is in direct breach of local plan guidelines on these issues and others. I am surprised it has not already been rejected under delegated powers, and urge the committee to reject the proposed development in its entirety.

**Subject:** 45B Mildmay Street, Lincoln, Lincolnshire, LN1 3HR - 2022/0797/HOU - Erection of a single storey rear extension

**Highway Authority Final Comments for the above application**

The proposal is for a rear extension, and it does not have an impact on the public highway.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood 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 flood risk and drainage proposals for this planning application.

**No Objections**

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 would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

**John Clifton** | Eng FIHE GMICE  
Principal Development Management Officer  
Lincolnshire County Council  
County Offices, Newland, Lincoln, LN1 1YL

Application Number: 2022/0797/HOU

Address: 45B Mildmay Street Lincoln Lincolnshire LN1 3HR

Proposal: Erection of a single storey rear extension

Consultee Details

Name: Mr Ian Wicks

Address: Directorate Of Development And Environmental Services, City Hall, Beaumont Fee  
Lincoln, Lincolnshire LN1 1DF

Email: Not Available

On Behalf Of: Environmental Health

Comments

I confirm that I have no objections or observations to make regarding this application.