

Application Number:	2024/0040/HOU
Site Address:	1 Shearwater Road, Lincoln, Lincolnshire
Target Date:	23rd March 2024
Agent Name:	Brayford Designs
Applicant Name:	Mr Quyen Truong
Proposal:	Erection of outbuilding and installation of dropped kerb on Skellingthorpe Road to create new access.(Resubmission from planning application 2023/0711/HOU).

Background - Site Location and Description

The application seeks permission for a detached outbuilding and a new dropped kerb.

The property is a detached house located on the corner of Skellingthorpe Road and Shearwater Road. The property is accessed from Shearwater Road although the application proposes an additional access from Skellingthorpe Road and associated works including a dropped kerb, remodelling of the existing boundary wall and gates to create an opening. In addition, the application also proposes an outbuilding within the rear garden adjacent to the boundary with No. 5 Shearwater Close and the rear boundary of the application property.

A previous application was refused because of the outbuilding's position close to a protected tree within the garden. The resubmission proposes a repositioning of the access and the outbuilding.

Site History

Reference:	Description	Status	Decision Date:
2023/0711/HOU	Erection of outbuilding and installation of dropped kerb on Skellingthorpe Road to create new access (Part-retrospective).	Refused	20th November 2023

Case Officer Site Visit

Undertaken on 6th March 2024.

Policies Referred to

- National Planning Policy Framework
- Policy S53 Design and Amenity
- Policy S66 Trees, Woodland and Hedgerows

Issues

- Impact on residential amenity
- Impact on protected trees
- Highway Safety

Consultations

Consultations were carried out in accordance with the Statement of Community Involvement, adopted January 2023.

The application has resulted in an unusually large number of comments and objections for the scale and type of proposal. Some of these comments have been redacted due to issues being raised which are not in relation to the current application and are of a personal nature to the applicant or involve investigations outside of the planning process.

Many of the objections have raised concern with the use of the main property. Since 2016, a number of visits have been made to the property by Council Officers to establish whether the property is being occupied as a house in multiple occupation. In each case, the owner has maintained that the property is occupied by family members and there has been no evidence to disprove this when the site has been visited by your Planning Enforcement Officers. A Housing Standards Enforcement Officer has also visited the property within the last year and he was also satisfied that the property was not a house in multiple occupation under the Housing Act definition.

The material considerations for this application are the impacts of the dropped kerb and erection of the outbuilding only. Comments regarding the use of the main property, the need for the proposals or motives of the applicant are not relevant and should not be given any weight in the planning balance.

Material comments raised during the consultation period include: highway safety, increased noise, impact on trees, over shadowing and impact on character. The comments are appended to this report and can be seen online at <https://planning.lincoln.gov.uk/online-applications> using the application reference number.

Statutory Consultation Responses

Consultee	Comment
Highways & Planning	Comments Received

Public Consultation Responses

Name	Address
Mr John Williams	3 Shearwater Close Lincoln Lincolnshire LN6 0XU
Mrs Janine Williams	3 Shearwater Close Lincoln Lincolnshire LN6 0XU
Mr Mark Morley	3 Shearwater Road Lincoln Lincolnshire LN6 0XX
Mr Rob Whiley	2 Shearwater Road Lincoln Lincolnshire LN6 0XX
Karen Gerrard	1 Shearwater Close Lincoln Lincolnshire LN6 0XU
Miss Joanne Wells	5 Shearwater Close Lincoln Lincolnshire LN6 0XU
Mr Graham West	12 Shearwater Road Lincoln Lincolnshire LN6 0XX
Mr Alan Ward	14 Shearwater Close Lincoln Lincolnshire LN6 0XU
Mr David Bishop	6 Shearwater Road Lincoln Lincolnshire LN6 0XX
Mr Jason Brewer	5 Shearwater Road Lincoln Lincolnshire LN6 0XX

Mr Colin Brewer	6 Shearwater Close Lincoln Lincolnshire LN6 0XU
Mrs Maxine Azzopardi	263 Wragby Road Lincoln Lincolnshire LN2 4PZ
Mrs Maxine Morley	3 Shearwater Road Lincoln Lincolnshire LN6 0XX
Mr Raymond Peters	12 Shearwater Close Lincoln Lincolnshire LN6 0XU
Mr Nigel Cobbold	10 Shearwater Road Lincoln Lincolnshire LN6 0XX
Mr Keith Hayes	4 Shearwater Close Lincoln Lincolnshire LN6 0XU
Mrs Anne Gordon	8 Shearwater Close Lincoln Lincolnshire LN6 0XU
Mrs Sue Brown	7 Goldcrest Close Lincoln Lincolnshire LN6 0UX
Julie Abel	5 Shearwater Close Lincoln Lincolnshire LN6 0XU
Mr Keith Hayes	4 Shearwater Close Lincoln Lincolnshire LN6 0XU

Mr Richard Geddes	8 Shearwater Road Lincoln Lincolnshire LN6 0XX
Mr Kenneth Foster	2 Shearwater Close Lincoln Lincolnshire LN6 0XU
Mr Brian Harding	11 Shearwater Close Lincoln Lincolnshire LN6 0XU
Mr David Condon	41 Burghley Road Lincoln Lincolnshire LN6 7YE
Mrs Susan Mary (Sue) Brown	7 Goldcrest Close Lincoln LN6 0UX
Mr Quyen Truong	1 Shearwater Road Lincoln Lincolnshire LN6 0XX
Mrs Geraldine Geddes	8 Shearwater Road Lincoln Lincolnshire LN6 0XX
Mr Darren Juggins	14 Sturgate Close Lincoln Lincolnshire LN6 0NY
Mr Raymond Peters	12 Shearwater Close Lincoln Lincolnshire LN6 0XU
Mr Alan Ward	14 Shearwater Close Lincoln Lincolnshire LN6 0XU
Mrs Ruth Chapman	9 Shearwater Close Lincoln Lincolnshire LN6 0XU

Consideration

Principle of the Development

With regard to National Planning Policy, Paragraph 174 of the NPPF states, among other things, that planning policies and decisions should protect and enhance valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.

With regard to Local Policy, Central Lincolnshire Local Plan (CLLP) Central Lincolnshire Local Plan (CLLP), Policy S53 'Design and Amenity' covers all new development. The policy permissive of alterations to existing buildings providing they achieve a high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all. Extensions should 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 and should not result in harm to people's amenity either within the proposed development or neighbouring through overlooking, overshadowing, loss of light or increase in artificial light or glare.

With regard to Policy S66 it states that "Development proposals should be prepared based on the overriding principle that: o the existing tree and woodland cover is maintained, improved and expanded. Where the proposal will result in the loss or deterioration of a tree protected by a Tree Preservation Order or a tree within a Conservation Area, then permission will be refused unless: c) there is no net loss of amenity value which arises as a result of the development; or d) the need for, and benefits of, the development in that location clearly outweigh the loss."

Consideration of Issues

Impact on Amenity from the Outbuilding

The outbuilding would measure 6 metres long and 3.6 metres wide and would be approximately 2.4 metres to the eaves with a total height of 3.5 metres, positioned within the southern corner of the site adjacent to the boundary with No. 5 Shearwater Close. The outbuilding requires planning permission because it is higher than 2.5 metres within 2 metres of a boundary, therefore without the pitched roof, the structure would be permitted development.

The structure would be positioned approximately 20 metres from the rear elevation of the closest neighbouring property No. 5 Shearwater Close. Taking account of this relationship, it is not considered the single storey structure would be unduly harmful to residential amenity in terms of having an overbearing impact or cause undue overshadowing. Windows would be positioned in the north and east elevations of the outbuilding and therefore overlooking would not be caused by the proposal.

The application states that the outbuilding would be used for storage; concerns have been raised by neighbours with regard to the future use of the outbuilding. As with all householder developments, the applicant will be able to use the building for purposes which are incidental to the enjoyment of a dwellinghouse which have been held to include those connected with the running of the dwellinghouse or with domestic and leisure activities of the persons living

in it. Officers propose a condition to ensure the outbuilding is used in line with the above and ancillary to the main property.

With regard to visual amenity, the outbuilding would be positioned approximately 16 metres away from Skellingthorpe Road. Given the set back and the side and rear boundary fences, the structure will not appear overly prominent. In any case, the structure would be constructed of wood cladding, concrete roofs tiles and UPVC windows. Officers consider that such a construction would not be an unusual addition within the grounds of a dwelling and would not be unduly prominent when viewed from the wider area. It is therefore considered the outbuilding is appropriately designed and would not cause harm to visual amenity in accordance with Policy S53 of the CLLP.

It is not considered there are any other properties in the vicinity that would be affected by the outbuilding and officers are therefore satisfied that the outbuilding would not cause undue harm to the amenities which occupiers of neighbouring properties may reasonably expect to enjoy, in accordance with Policy S53 of the CLLP.

Impact on Trees

With regard to the impact on trees within the area, the majority of the trees within the rear garden are protected under the Skellingthorpe Road No. 5 Tree Preservation Order. An Arboricultural Method Statement (AMS) has been submitted with the application detailing how the proposal can be constructed without harm to the trees. The proposed outbuilding infringes into the root protection area (RPA) of G1, which consists of two trees within the neighbouring property (No. 5 Shearwater Close) by approximately 16%. The City Council's Arboricultural Officer has been consulted on the proposal and considered that as the percentage is below the maximum incursion of 20% as recommended by BS 5837:2012 and the foundations are to be installed using a no dig method, he raises no objections to the proposed siting / construction of the proposed structure.

G2 was considered within the AMS which advises these are to be removed to accommodate the proposal. G2 consists of a group of young holly, beech and Leyland cypress trees growing in close competition. The City Council's Arboricultural Officer also has no objection removal of these given the minimal impact on visual amenity and the young age of these specimens. Officers have spoken to the applicant regarding replanting and he has stated that he wants to keep the trees in situ if possible. Officers are supportive of either approach but propose a condition that if the group of trees are removed, they are replaced elsewhere in the site. The applicant is agreeable to such a condition. There would also be some pruning works required to an Oak tree (T4) within the site, the City Council's Arboricultural Officer considers this pruning work to be in line with BS3998 : 2010 recommendations and therefore has no objection to this pruning work.

Officers propose a condition that the development will be carried out in accordance with the recommendations of the Arboricultural Method Statement.

Overall, subject to the conditions detailed above, it is not considered that the outbuilding would result in amenity loss from impact on trees as a result of the development in accordance with Policy S66 of the Central Lincolnshire Local Plan.

Impact of Dropped Kerb

With regard to the impact on trees within the site from the dropped kerb, new driveway and wall/gates, the driveway would be within the RPA of T4, T5, T6, and G1 although a cellular

confinement system is proposed to prevent damage to tree roots. Areas which require digging, such as the adjustment of the boundary wall, would need to be hand dug as detailed within the AMS which will be conditioned accordingly. Subject to this condition, it is considered that the dropped kerb, new driveway and modifications to the wall can be undertaken without causing harm to the roots of the trees on the site.

With regard to increase noise and disturbance from the access, the property is located adjacent to Skellingthorpe Road where passing traffic noise can be heard throughout the immediate area. It is not considered that the access would increase noise and disturbance above and beyond the existing background noise already experienced from the traffic on Skellingthorpe Road.

With regard to highway safety, many local residents have made representations regarding the safety of the new access, including concerns regarding visibility splays, proximity to a public footpath into Hartsholme Park and concern regarding its position. The access would be directly onto Skellingthorpe Road, a B road with a 40MPH speed limit. Skellingthorpe Road has various access roads to housing estates and unclassified roads accessed from it as well as driveways to dwellings which are directly accessed from the road both within the 30 MPH and 40 MPH areas.

The proposal has been developed in accordance with highway advice and amended accordingly to provide turning space within the site to ensure vehicles can leave the site in a forward gear, the proposed gates are sufficiently set within the site to ensure a vehicle would not overhang the highway when entering the site and the boundary wall has been modified to ensure appropriate visibility splays when leaving the access. Given the above has been incorporated, the highway authority has raised no objections to the proposal subject to an informative stating that the applicant should also seek consent from the County Council before works commence.

Overall, given the likely slow speed a vehicle will enter and leave the site and the mitigation measures put in place regarding turning and visibility, it is not considered that the proposal would have highway safety implications that would constitute a severe impact in accordance with Policy S47 of the Central Lincolnshire Local Plan. Officers do, however, propose a condition to ensure that the boundary wall is modified before the access is brought into use to ensure appropriate visibility.

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

Yes.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The scale and design of the proposed outbuilding is acceptable and the design would sympathetically complement the local architectural style. The proposals would not cause undue harm to the amenities which occupiers of neighbouring properties may reasonably expect to enjoy. Matters in relation to highways and impact on trees have been appropriately considered. The application would therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies S47, S53 and S66 and guidance within the National Planning Policy Framework.

Application Determined within Target Date

Yes.

Recommendation

That the application is granted conditionally:

- Tree planting scheme – for any trees within G2 which are removed
- No dig solution for outbuilding and driveway
- Recommendations of the method statement implemented
- Use of the outbuilding remains incidental to the main dwellinghouse
- Before the access is first brought into use, the wall shall be modified as proposed on the drawing