

**APPLICATION NO** PA/2018/1603

**APPLICANT** Mr Raymond Carr

**DEVELOPMENT** Planning permission to vary condition 2 of planning permission PA/2016/608 relating to the removal of stone cills, rooflights, alterations to the design of windows and retention of a walk-on balcony with a proposed screen fence

**LOCATION** 7 West Halton Lane, Alkborough, DN15 9JY

**PARISH** Alkborough

**WARD** Burton upon Stather and Winterton

**CASE OFFICER** Tanya Coggon

**SUMMARY** Refuse permission  
**RECOMMENDATION**

**REASONS FOR REFERENCE TO COMMITTEE** Member 'call in' (Cllr Helen Rowson – residents' concerns that the variation to the original PA/2016/608 it is not legally correct)

Third party request to address the committee

**POLICIES**

**National Planning Policy Framework:**

Section 12: Achieving well-designed places

**North Lincolnshire Local Plan:**

DS1 (General Principles)

DS5 (Residential Extensions)

RD2 (Development in the Open Countryside)

RD10 (Replacement, Alteration and Extensions to dwellings in the Open Countryside)

**North Lincolnshire Core Strategy:**

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering Quality Design in North Lincolnshire)

**CONSULTATIONS**

**Highways:** No objection.

## **PARISH COUNCIL**

The drawing shows an incorrect marking of the boundary of 7 West Halton Lane. The balcony would overlook an adjacent property and was felt to be an invasion of privacy. The balcony would be positioned 2m from the adjacent property and the objector felt this was too close. The 1.8m high featherboard fence attached to the railings would block light onto the adjacent property and would be unsightly. The featherboarding could pose a safety issue because it could become detached in high wind conditions and over time the material could deteriorate resulting in sections being blown off or falling onto the adjacent property. The lack of privacy from the balcony was felt to breach the human rights to enjoy the use of own property for the owner of an adjacent property under the Human Rights Act 1998. The creation of a balcony would set a precedent in the area for other residents to be overlooked on their property.

## **PUBLICITY**

Advertised by site notice. Three letters of objection have been received raising the following issues:

- boundary is incorrect
- the development was not built in accordance with the permission PA/2016/608 as a balcony with anti-slip tile and railings was installed above the flat-roof extension
- health and safety risk
- gates in the balcony could be left open causing overlooking
- balcony and fence will be domineering
- out of keeping with the design and character of the area
- contrary to Human Rights Act 1998
- overlooking
- loss of privacy.

## **ASSESSMENT**

Planning permission is sought to vary condition 2 (plan number condition) of PA/2016/608 to remove the stone cills from the windows, remove the roof windows, alter the design of the windows and retain a walk-on balcony above the single-storey flat-roof extension surrounded by a proposed featherboard fence and gate.

Planning application PA/2016/608 has been constructed and completed on the site. This permission has not been implemented in accordance with the approved plans. In this case much of the work is retrospective as the stone cills have not been installed, the roof windows have not installed, the general design of the windows has been altered and a balcony with metal railings surrounding it has been installed on the site. The applicant is proposing to surround the balcony by a 1.8 metre high featherboard fence with a gate for a means of escape to prevent overlooking from the balcony.

**The main issues associated with this proposal are whether the alterations are acceptable in terms of impact on neighbours, and on the character and appearance of the area and the dwelling itself.**

### **Impact on neighbours**

In terms of neighbours, the removal of the stone cills from the windows specified on plans has no impact on neighbours. The removal of the windows in the roof also has no impact on neighbours. The change of the design of the windows to the casements with top-opening windows also has minimal impact on neighbours, as the windows are a similar size and in the same position as was approved under PA/2016/608. Window 2 on the drawing submitted with this application is now shown as French doors, whereas under PA/2016/608 it was shown as a large escape window. The French doors currently provide access to the balcony.

The balcony installed on top of the flat roof with railings around it has been inspected by the case officer and does overlook neighbouring properties, particularly their private rear garden areas. This is clearly unacceptable and is not in accordance with policy CS5 of the Core Strategy and policies DS1, DS5, RD2 and RD10 of the North Lincolnshire Local Plan. To prevent overlooking, the applicant has applied to retain the balcony but place a wooden 1.8 metre high featherboard fence around the edge of the balcony. There is a gate installed within the fence to allow for emergency escape, which is a requirement for Building Regulations. Whilst to a degree the fence may prevent overlooking, the gate could be kept open resulting in overlooking to neighbours. The proposed structure would be visible to neighbours and is a visually intrusive feature. As a result, the proposed screening to the unauthorised balcony is unacceptable and is not in accordance with policy CS5 of the Core Strategy or policies DS1, DS5, RD2 and RD10 of the North Lincolnshire Local Plan.

### **Impact on the character and appearance of the area**

The removal of the stone cills, rooflights, and alterations to the design of the windows have no adverse impact on the character and appearance of the area. The alterations are to the rear of the property and are not readily visible in the street scene. The unauthorised balcony, with its railings, is partially visible from West Halton Lane. The proposed screen fencing would be even more visible and prominent in the street scene and would be highly prominent and visually intrusive from the rear of the property and from wider views from the open countryside. The proposal would be an intrusive feature on the immediate and surrounding area. The proposal is therefore not in accordance with policy CS5 of the Core Strategy or policies DS1, DS5, RD2 and RD10 of the North Lincolnshire Local Plan.

### **Impact on the dwelling**

No adverse impacts on the dwelling are created by the removal of the stone cills, rooflights, or the design of the windows. The unauthorised balcony, with the proposed screen fencing at first floor level, introduces a harmful visual addition to the property which is out of character with the dwelling. The proposal is not in accordance with policy CS5 of the Core Strategy or policies DS1, DS5, RD2 and RD10 of the North Lincolnshire Local Plan.

### **Other issues raised**

An application for variation of condition 2 of PA/2016/608 is permitted under the Town and Country Planning Act 1990. Applicants are able to submit this type of application in order to

submit different plans for consideration. The comments made in relation to the red line being incorrect are noted. For the purposes of planning, this is not a consideration in relation to this application. The red line area submitted for this application is the same as was submitted under PA/2016/608. In addition, the discrepancy of the red line relates to the shared drive area and not the area where the extension and balcony have been installed.

**RECOMMENDATION      Refuse permission for the following reasons:**

The existing balcony results in significant overlooking of adjoining properties, which will not be prevented by the proposed screening, due to its design and the proposed gate. The proposed screening is considered to be an intrusive and domineering feature on the dwelling which will result in a harmful visual impact on adjoining properties and on the street scene, and from wider views from the open countryside. Accordingly, the proposal is contrary to policy CS5 of the Core Strategy and policies DS1, DS5, RD2 and RD10 of the North Lincolnshire Local Plan.

**Informative**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

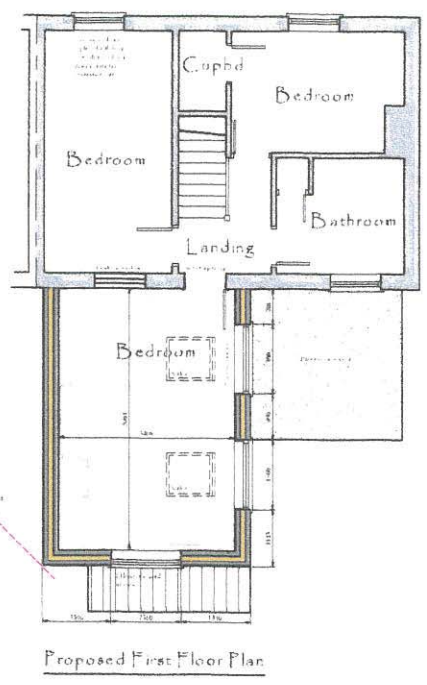
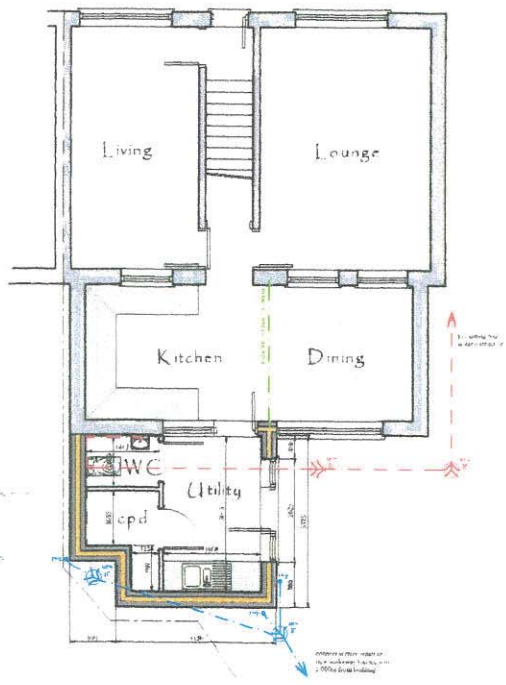


**PA/2018/1603**

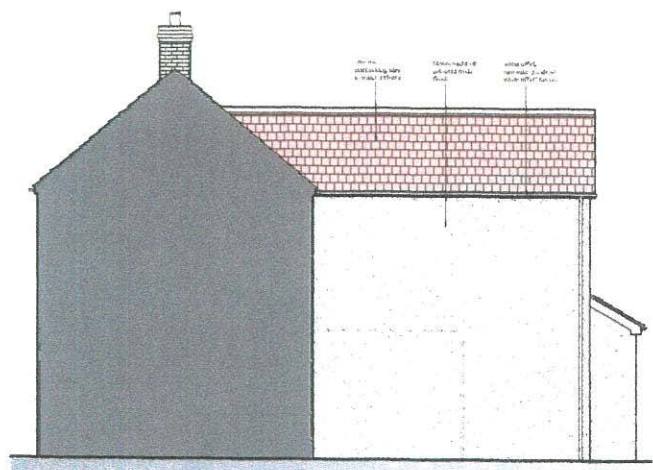


DEVELOPMENT CONTROL SECTION  
 29 AUG 2018  
 DATE RECEIVED

NOTES: A1



• hinges on inside  
 • 1.8m high  
 • wooden featherboard  
 bolted to steel frame



DRW PA/2018/1603/01

Mr & Mrs [Name]	Project	2018
123 Main St	Location	12345
01234 5678	Phone	98765

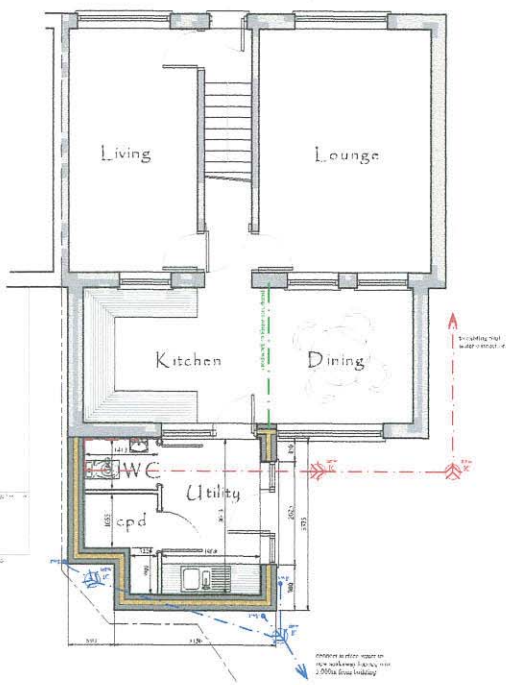
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0123 456 789 | 1234 567 890  
 1234 Main St | 12345 6789  
 www.ka-arch.co.uk

Addition to Planning Consent  
PA/2016/602

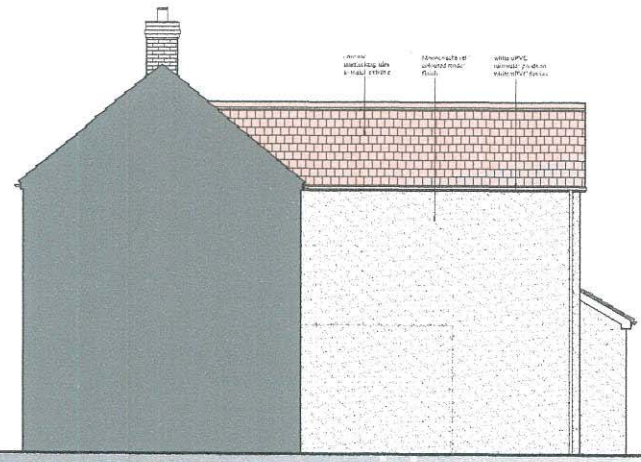
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← 1.8m solid wood feather board including 1.5m wide exit gate to open outwards

DEVELOPMENT CONTROL SECTION  
10 AUG 2018  
DATE RECEIVED



1.8m solid wood featherboard

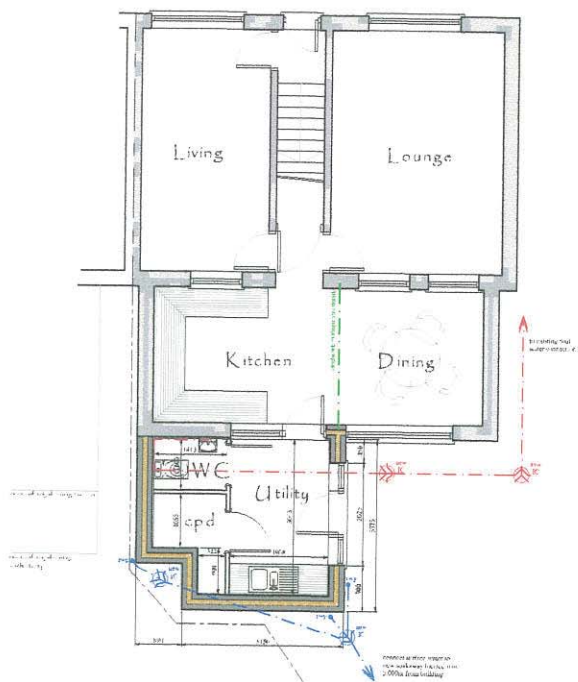
\* Retain promenade tiles to metal safety railings  
 \* featherboard panels to be bolted to existing metal safety railings on exterior g. railings  
 \* 5cm wind gap at bottom edge

Architectural Building Consultants  
 7 West Hill Lane  
 Addiscombe  
 London SE16 2YB  
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 www.archka.co.uk

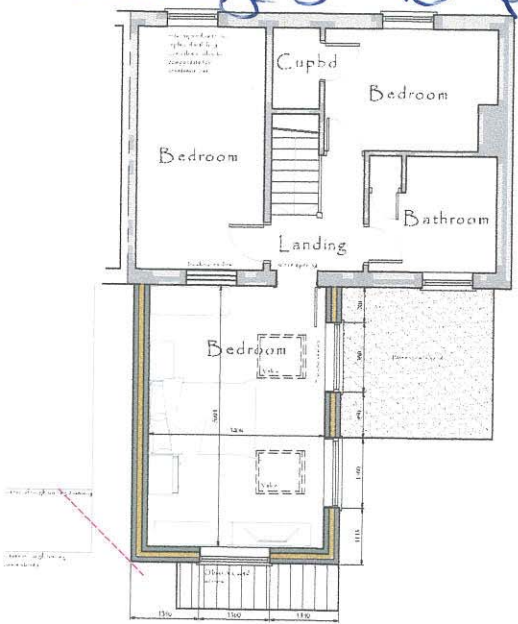
DRW PA/2018/1603/02

Changes to planning consent  
PA/2016/608

NOTES:  
A1



Proposed Ground Floor Plan



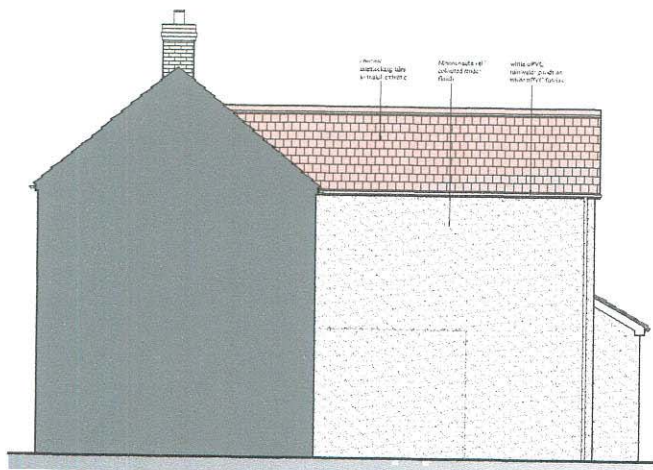
Proposed First Floor Plan



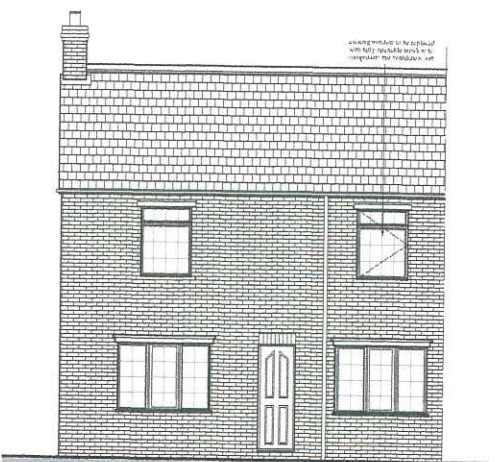
Proposed South Elevation

Referred to  
DATE RECEIVED  
10 AUG 2018  
DEVELOPMENT CONTROL SECTION

\* REMOVE STONE CILLS A, B, C  
\* REMOVE VELUX WINDOWS



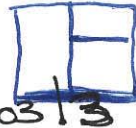

Proposed West Elevation



Proposed North Elevation



Proposed East Elevation

change window configuration ① to   
change window configuration ② to  bars

DRAW PA/2018/1603/3

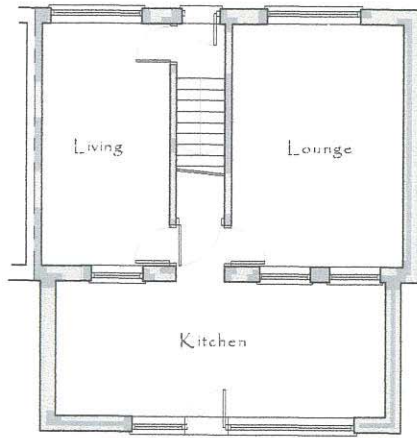
Mr S. P. B. B. B.	Proposed	23/11
Mr S. P. B. B. B.	Planning	10/08/18
Mr S. P. B. B. B.	1/23	10/08/18

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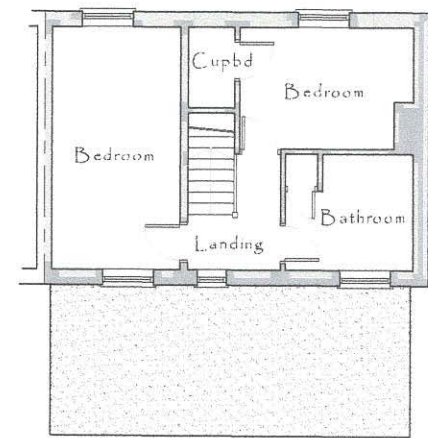


# PA/2018/1603 Elevations, block plan & floor plans (not to scale)

PA/2018/1603



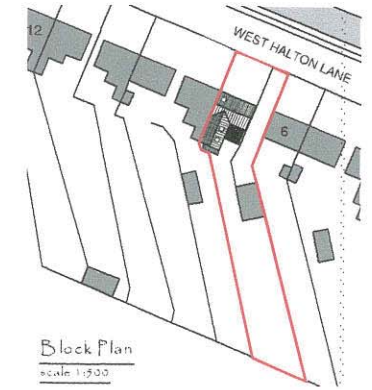
Existing Ground Floor Plan



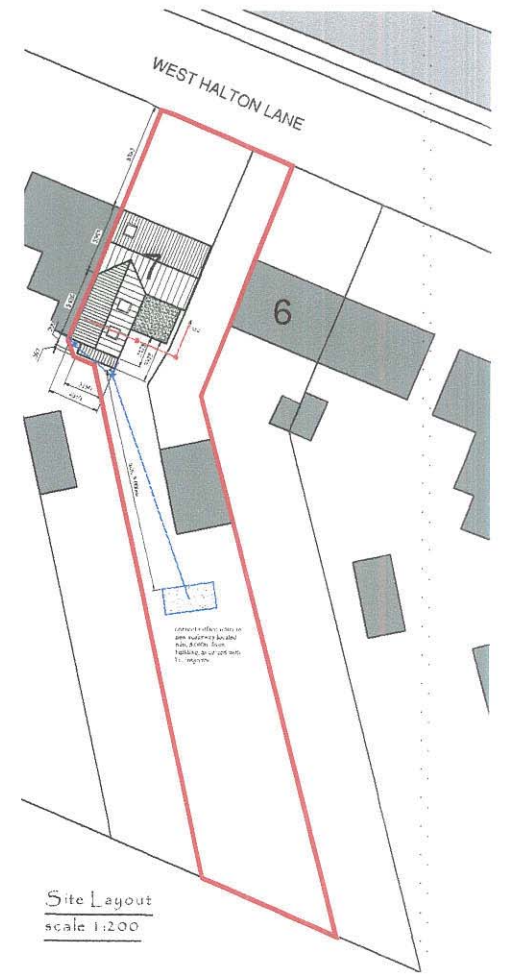
Existing First Floor Plan



Existing South Elevation

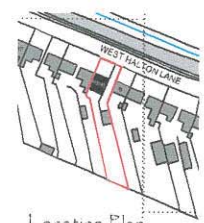


Block Plan  
scale 1:500

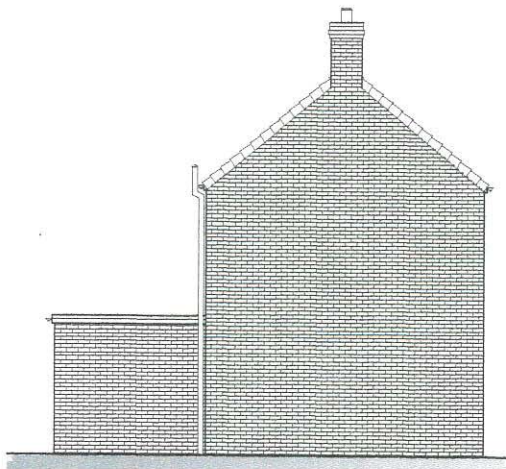


Site Layout  
scale 1:200

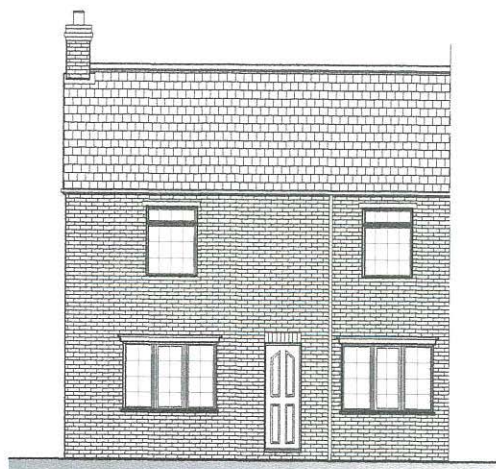
DEVELOPMENT CONTROL SECTION  
 10 AUG 2018  
 Referred To DATE RECEIVED



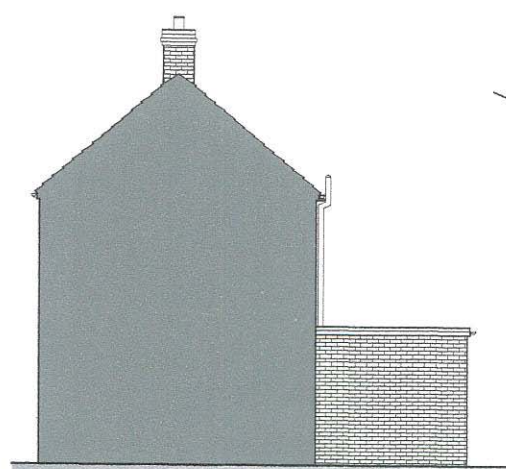
Location Plan  
scale 1:250



Existing East Elevation



Existing North Elevation



Existing West Elevation

DRW PA/2018/1603/4

Mr & Mrs Paul & Sarah 2 West Halton Lane Aston Kings BOSTON	Mr & Mrs Paul & Sarah 2 West Halton Lane Aston Kings BOSTON	01753 200 122   07927 820 071 www.kaarchitecture.co.uk info@kaarchitecture.co.uk
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TOWN AND COUNTRY PLANNING ACT 1990

## FULL PLANNING PERMISSION

APPLICATION NO: PA/2016/608



**Address/Agent:**

Mr Jon-Christopher Bayley  
Keystone Architecture  
Normanby Gateway  
Lysaghts Way  
SCUNTHORPE  
DN15 9YG

**Applicant:** Mr Raymond Carr

**North Lincolnshire Council** hereby gives notice that the application received on 29/04/2016 for:

**Planning permission to erect a two storey extension at 7 West Halton Lane, Alkborough, DN15 9JY**

has been considered and that permission for this development in accordance with the plans and written particulars submitted has been granted subject to the following conditions and reasons:

1.  
The development must be begun before the expiration of three years from the date of this permission.

Reason  
To comply with section 91 of the Town and Country Planning Act 1990.

2.  
The development hereby permitted shall be carried out in accordance with the following approved plans: 514.1 and 514.2.

Reason  
For the avoidance of doubt and in the interests of proper planning.

Dated: 23/6/2016

Signed: [Redacted Signature]

*pf* Phil Wallis  
Head of Development Management

# PA/2016/608 Elevations and floor plans (not to scale)

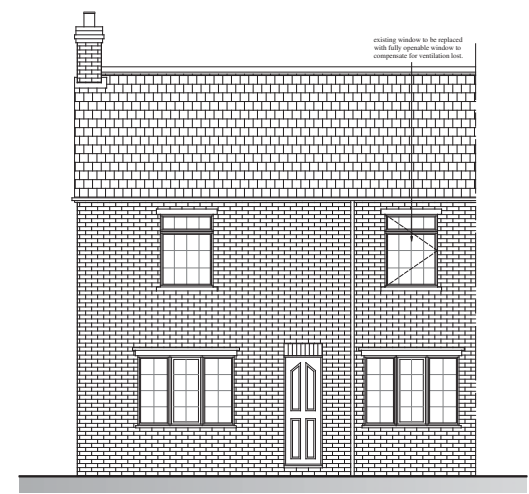
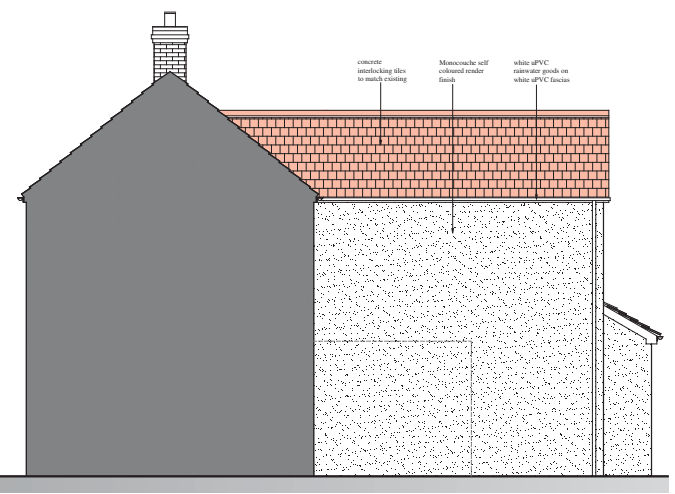
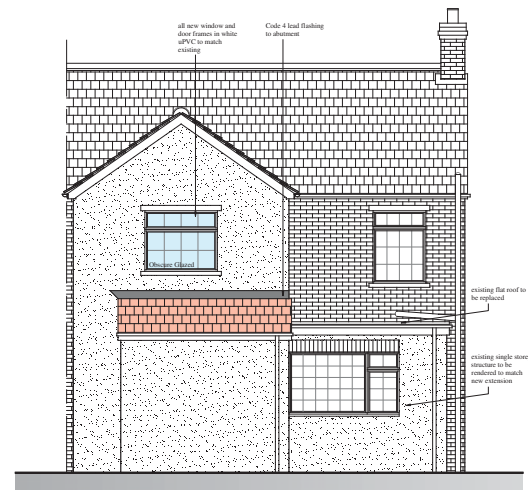
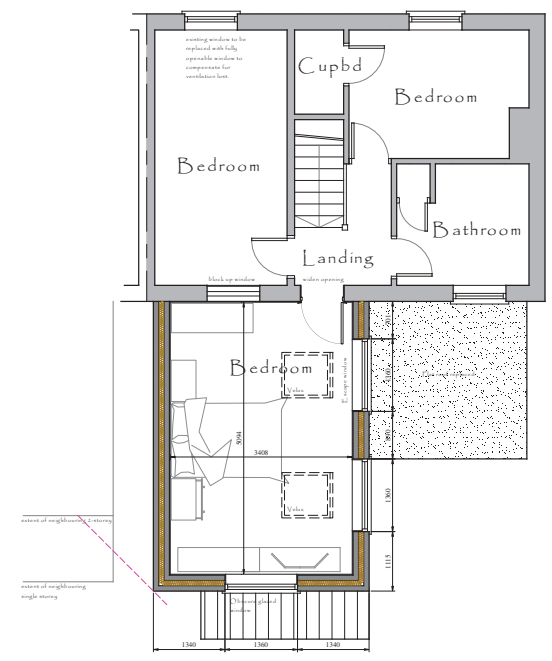
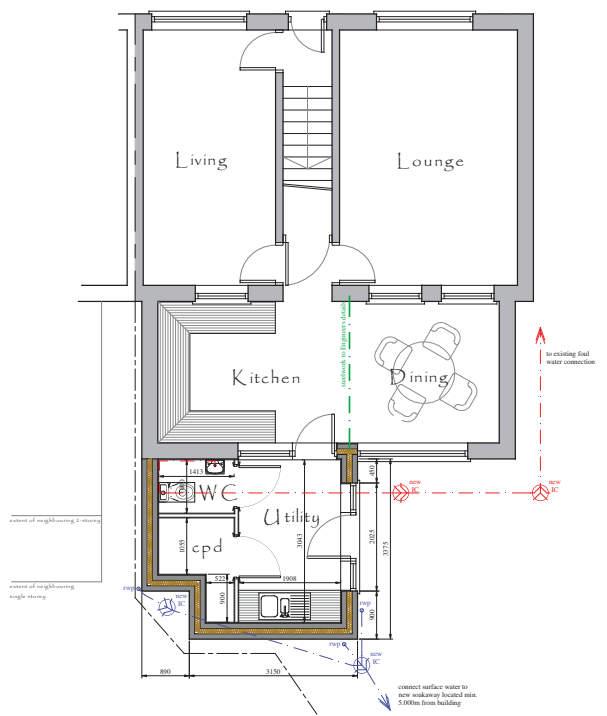
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rev	amendment	date
1	Issued for Planning	16/04/2016

<p>Mr S Fell-Bowers 7 West Haven Lane Aldbrough DN15 9FY</p>	<p>Site: Proposed Stage: Planning Scale: 1:50</p>	<p>Drawn by: MP Checked by: MP</p>
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 architecture building consultants energy assessors project managers  
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 Normandy Gateway, Lupton Way, Southouse, DN15 9PT  
 info@keystonearchitectural.co.uk

# PA/2016/608 Elevations, block & floor plans (not to scale)

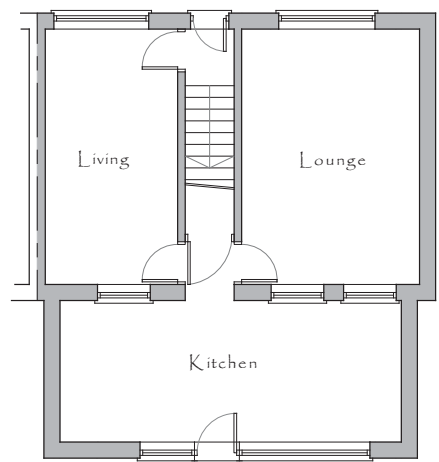
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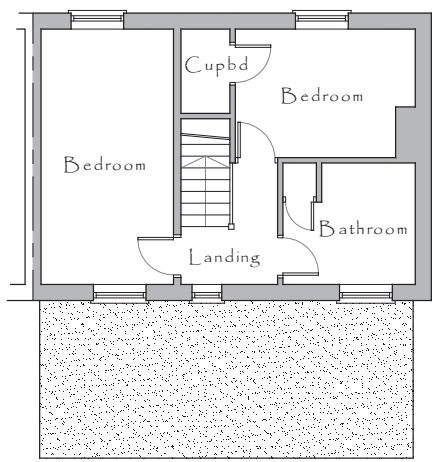
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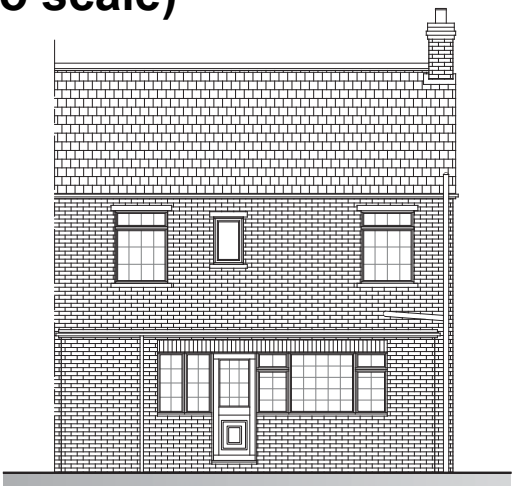
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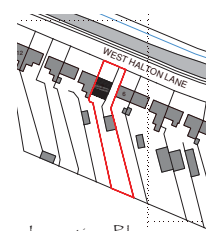
Existing Ground Floor Plan



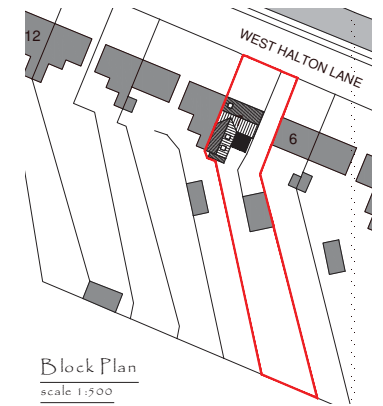
Existing First Floor Plan



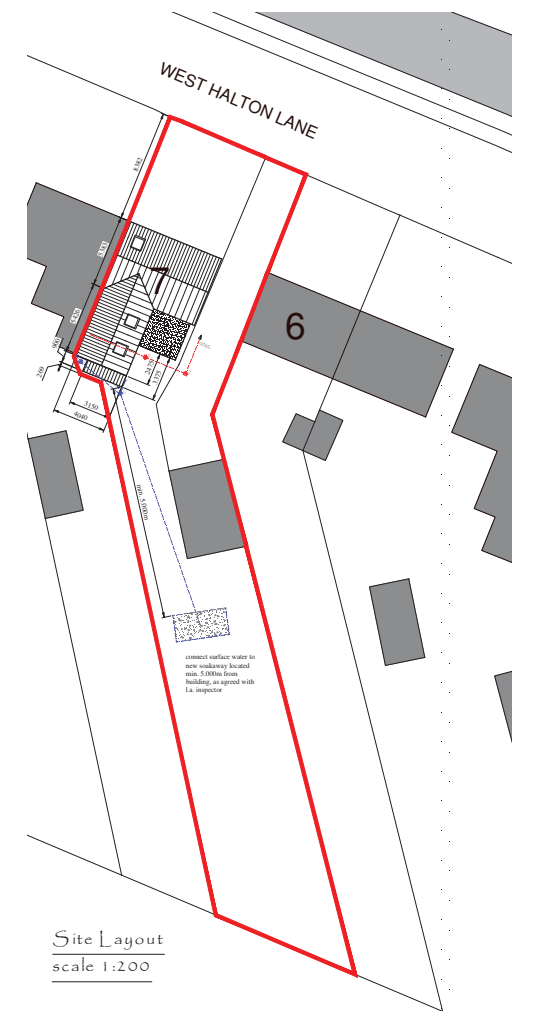
Existing South Elevation



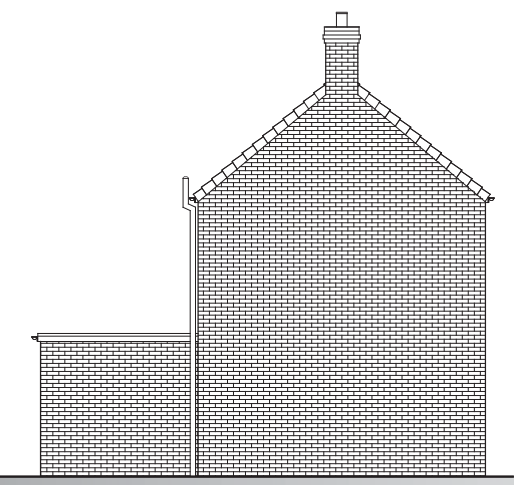
Location Plan  
scale 1:1250



Block Plan  
scale 1:500



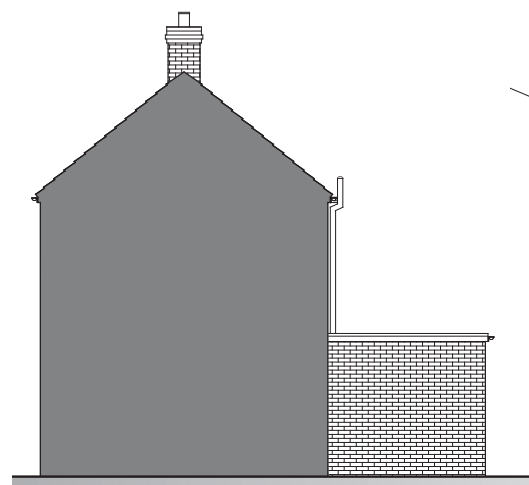
Site Layout  
scale 1:200



Existing East Elevation



Existing North Elevation



Existing West Elevation

rev	amendment	date
01	01	15/04/16

**Mr S Fell-Bowers**  
 7 West Halton Lane  
 Aldbrough  
 DN15 9YJ

title: Existing & Site Plans  
 stage: Planning  
 scale: 1:50 & as noted

design: MP  
 drawn: Apr 16  
 checked: MP

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