

<b>APPLICATION NO</b>	<b>PA/2023/1144</b>
<b>APPLICANT</b>	Mr Mark Snowden
<b>DEVELOPMENT</b>	Planning permission to vary condition 2 of PA/2022/1440 namely to amend the house design to plot 7
<b>LOCATION</b>	The Field, 7 Vicarage Lane, Wootton, DN39 6SH
<b>PARISH</b>	Wootton
<b>WARD</b>	Ferry
<b>CASE OFFICER</b>	Deborah Oikeh
<b>SUMMARY RECOMMENDATION</b>	<b>Approve with conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Wootton Parish Council

## **POLICIES**

### **National Planning Policy Framework:**

Section 12 – Achieving well designed places

### **North Lincolnshire Local Plan:**

DS1 – General Requirements

DS7 – Contaminated Land

DS14 – Foul Sewage and Surface Water Drainage

DS16 – Flood Risk

H8 – Housing Design and Housing Mix

T2 – Access to Development

T19 – Car Parking Provision and Standards

### **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

CS7 – Overall Housing Provision

CS8 – Spatial Distribution of Housing Sites

CS16 – North Lincolnshire’s Landscape, Greenspace and Waterscape

CS17 – Biodiversity

CS19 – Flood Risk

### **Housing and Employment Land Allocations Development Plan Document:**

PS1 – Presumption in Favour of Sustainable Development

**New North Lincolnshire Local Plan Submission:** The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are:

RD1 – Supporting Sustainable Development in the Countryside

SS1 – Presumption in favour of Sustainable Development

SS3 – Development Principles

SS6 – Spatial Distribution of Housing Sites

SS11 – Development Limits

DQE1 – Protection of Landscape, Townscape and Views

DM1 – General Requirements

### **CONSULTATIONS**

**Highways:** No comments or objections.

**Drainage (Lead Local Flood Authority):** No comments or objections.

**Environmental Protection:** No comments to make on the application.

### **PARISH COUNCIL**

Objects to the proposal due to:

- discrepancies regarding validation date and submission date which does not comply with guidance
- environmental and health concerns about fumes from the chimney

- the proposal is retrospective
- the proposal would set a precedent for others.

## **PUBLICITY**

The application has been advertised by site notice. Five responses have been received raising the following concerns:

- proximity of the proposal to neighbouring properties
- delay in submission of the application by the applicant to enable decision-making by the full parish council committee
- concerns on the environmental impact of the proposed chimney and fire hazard
- ecological loss
- concerns that the site can be seen from all vantage points
- plots 6 appears to be further south and plot 7 is being built approximately 10 metres further south than shown on the plan
- previous objections on the original application are not carried forward
- concerns regarding the brevity of the consultation comments
- east-facing side elevation of this house and the two chimneys are easily within view directly in front of the development driveway.

## **ASSESSMENT**

### **Proposal**

The proposal seeks retrospective approval to retain a sunroom extension and a chimney to the rear of a new build granted full planning permission with an additional dwelling under PA/2022/1440.

### **Planning history**

PA/2022/1440: Planning permission to erect two dwellings following demolition of an existing dwelling – approved 3 April 2023.

PA/2023/711: Application for a non-material amendment to PA/2022/1440 namely to create a sunroom extension including new chimney on plot 7 – withdrawn.

### **Background**

The principle of developing this site has been established under planning application PA/2022/1440 and this new proposal seeks to vary condition 2 (design) of that permission. The condition states:

'The development hereby permitted shall be carried out in accordance with the following approved plans:

- Location plan VL/169/02 rev A
- Proposed site plan & landscaping VL/169/04 rev B
- Floor and elevation plans VL/169/106 & VL/169/107
- Ecology Site Plan VL/169/09 rev B
- Design and Access statement.'

As highlighted under the planning history section, an application for non-material amendment (NMA) was submitted to create a sunroom extension and a chimney. However, given the history of the site and the number of objections received on the original application (PA/2022/1440), an application for NMA was considered inappropriate. Therefore, an application for material amendment to vary condition 2 of the original approval was submitted for consideration.

Nevertheless, each application must be assessed and considered on its own merits. The key tests of material consideration in this assessment include:

1. In the authority's view would the amendment be contrary to any policy of the council?
2. Is the proposed change inconsequential in terms of its scale in relation to the original approval?
3. In the authority's view would the proposed change result in a detrimental and unacceptable impact either visually or in terms of living conditions?

The last two tests will be considered under the 'residential amenity' and 'character' sections.

Policy CS1 sets out a spatial strategy for North Lincolnshire, which, amongst other matters, states that rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing local services to meet local needs and that any development that takes place should be in keeping with the character and nature of the settlement.

Policy CS5 relates to design of new development in North Lincolnshire and requires all developments to be well designed, contribute to creating a sense of place and appropriate for their context.

In terms of amenity, policy DS1 states, 'proposals should not result in loss of amenity to neighbouring land uses in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing;'

Policy SS3 of the emerging local plan relates to development principles and requires all development to contribute towards creation of sustainable communities and a sense of place.

This retrospective proposal seeks to alter the design/scale of the consented residential dwelling under PA/2022/1440. Policy RD2 supports alteration to an existing dwelling subject to an assessment of impact upon residential amenity, character and scale amongst other matters. For residential alteration or extension, policy RD10 permits a 20% increase in volume exclusive of any permitted development rights.

In light of the above, were this proposal submitted as a householder or full planning application following its completion, it would comply with the above policies.

### **Main considerations**

- **impact upon residential amenity**
- **character and appearance.**

### **Impact upon residential amenity**

Policy DS1 of the North Lincolnshire Local Plan relates to amenity and states, 'No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.'

The increase in depth of the single-storey sunroom which forms part of the consented dwelling under PA/2022/1440 is about 3.5m. The sunroom remains a single-storey structure with openings appropriately positioned (rear and west-facing). Whilst this retrospective proposal introduces a slight increase in the depth of the sunroom, the separation distance between plot 7 and neighbouring dwellings is considered reasonable.

As shown on the plans, the existing trees to the rear of plot 7 would be retained and 2m high perimeter fencing would be installed to the north-east to screen the property on plot 7 from neighbouring sites and to prevent overlooking.

Residents' concerns about air pollution from the chimney have been noted and given due consideration in this assessment. Whilst the proposal introduces an additional chimney to the family area on the ground floor, it is not expected to be in use all year round, rather during the cold winter season. The chimney would be installed on the eastern/side elevation of the property, adjoined by the access road to the site and screened by trees from dwellings in Wudaton Court. The chimney would not directly adjoin the wall of any neighbouring property. Taking into account the above points, it is considered that the separation distance of the chimney from the neighbouring properties and natural screens provided by the trees could aid dispersal of fumes when in use. Furthermore, the council's environmental health department have been consulted and no objections have been raised. Therefore, the proposals are not considered to pose any impacts with regard to air pollution.

Given the distance of the dwelling from neighbouring sites, the single-storey nature of the proposal and the screening provided by natural planting/fencing, it is considered that any impact upon the amenity rights of surrounding neighbours will be no greater than at present.

### **Impact upon character**

There are concerns regarding the views of the development from various vantage points. Whilst loss of view is not considered a material consideration, it is pertinent to consider the impact of the proposed sunroom extension and chimney on the character of the area.

Following a site visit on 20 July 2023, it is evident that part of the dwelling on plot 7 (the two-storey component in particular) would be visible from the driveway following completion. It was noted under PA/2022/1440, that the dwellings would be visible from surrounding dwellings; however, this will not result in a harmful or unacceptable amenity loss to neighbours given the separation distance, hedges and shrubs (though scanty) and the

proposed 2m-high close-boarded fence to be installed round the perimeter of the development site.

In terms of scale, the sunroom has an additional depth of about 3.5m, which can be achieved under permitted development rights. Nonetheless, an assessment must be done. The scale of the proposal in contrast to the scale of the whole dwelling is considered proportionate. The sunroom would retain a pitched roof design and would be completed using bricks used in buildings in the locality. The sunroom/chimney are to the rear of the dwelling and a single-storey structure as well. The application site is to the rear of most dwellings along Vicarage Lane and would be partly screened by the 2m perimeter fencing/trees following completion. Therefore, the visual impact of the extended sunroom/chimney upon the character of the area will be no greater than at present.

### **Other matters**

Procedural matters relating to consultation were raised by concerned residents and the parish council. For this reason, an application for non-material amendment was discouraged, given the comments received on the original application and the planning history of the site.

Planning practice guidance, paragraph 013 Reference ID: 17a-013-20230726 (revised 26/07/2023) highlights that for section 73 applications 'Provisions relating to statutory consultation and publicity do not apply. However, local planning authorities have discretion to consider whether the scale or nature of the change warrants consultation, in which case the authority can choose how to inform interested parties'. A consultation period of three weeks was given, including site notice display, to allow concerned residents to make their comments.

Whilst the nature of this application (retrospective) is not encouraged, by legislation, Section 73A of the planning Act provides, among other things, for retrospective applications to be made in respect of development which has been carried out, to be assessed against relevant policies and material considerations, which this assessment has done in the above sections.

### **RECOMMENDATION Grant permission subject to the following conditions:**

1.

The development hereby permitted shall be carried out in accordance with the following approved plans:

- Location plan VL/169/02 rev A
- Proposed site plan & landscaping VL/169/04 rev B
- Floor and elevation plans VL/169/106 & VL/169/107 Rev A
- Ecology Site Plan VL/169/09 rev B
- Design and Access statement.

Reason

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

2.

The ecology site plan shall be implemented in accordance with the following approved plan:  
Ecology Site Plan VL/169/09 rev B.

#### Reason

To conserve and enhance biodiversity in accordance with policies LC5 of the North Lincolnshire Local Plan and CS17 of the Core Strategy.

3.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking and turning space serving it have been completed and, once provided, the vehicle parking and manoeuvring space shall be retained.

#### Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

4.

The development shall be carried out in accordance with the submitted Surface Water Drainage Plan, Drawing No: VL/169/08, Rev: A, Dated: 22/08/22.

#### Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan.

5.

If during development any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement, detailing how this contamination shall be dealt with, has been submitted to and approved by the local planning authority. The approved method statement shall be implemented in full prior to development commencing on the site.

#### Reason

To ensure the site is safe for future users and construction workers in accordance with policy DS1 of the North Lincolnshire Local Plan.

6.

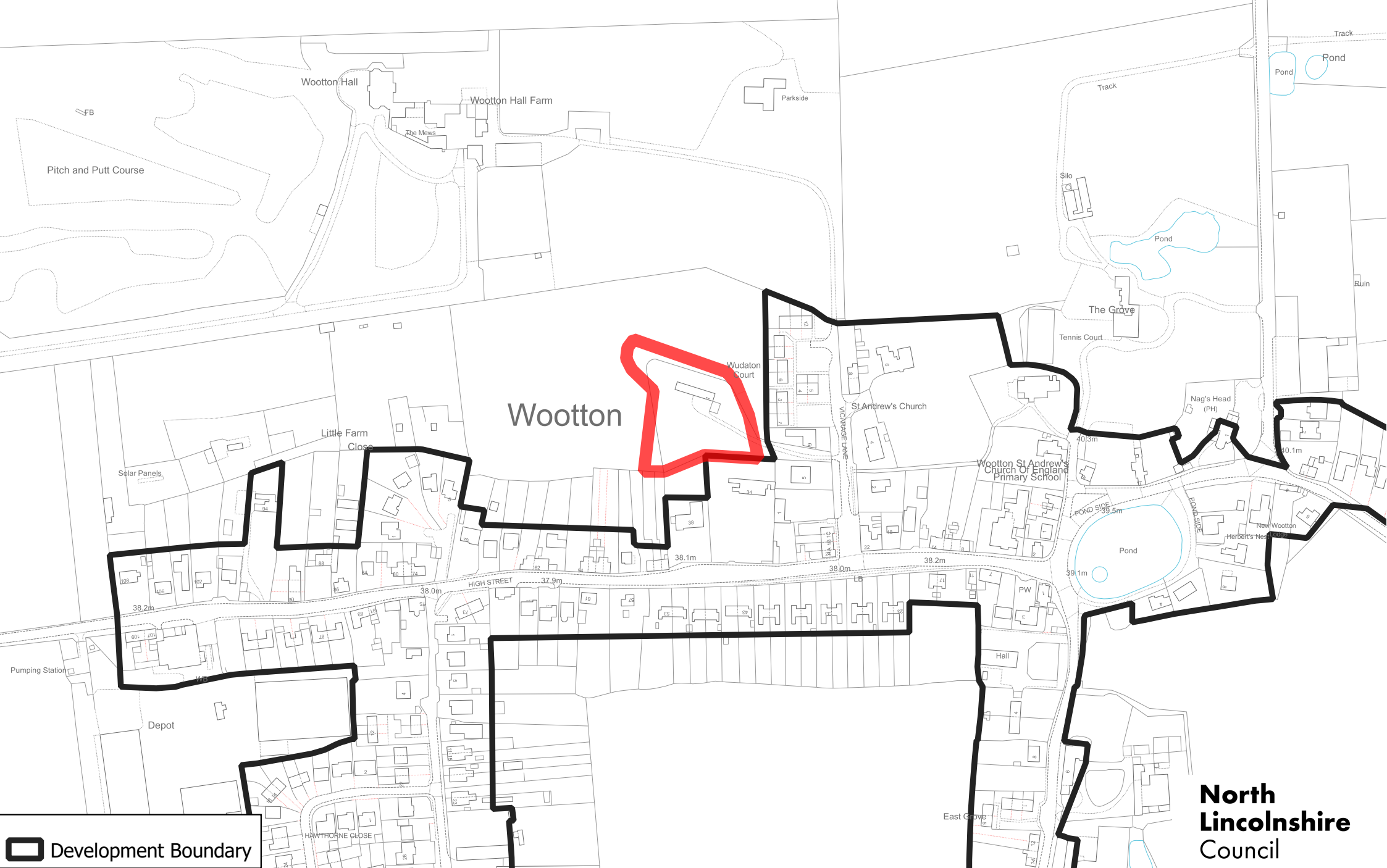
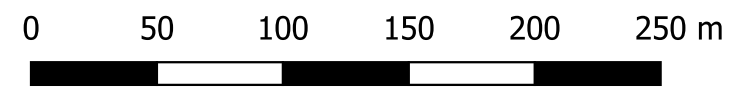
An asbestos survey shall be undertaken prior to demolition of the dwelling '7 Vicarage Lane' to identify the location, type and amount of asbestos-containing material, and a proposal for managing and disposing of any asbestos identified.

#### Reason

To ensure that risks from asbestos to the environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, nearby residents and other offsite receptors in accordance with policy DS1 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.



 Development Boundary

**North  
Lincolnshire  
Council**

**PA/2023/1144**

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# PA/2023/1144 Site layout (not to scale)



**LANDSCAPING**

**GENERAL**  
 All pits to be cleared & toppedsoil (min 150mm) to correct depths. Any pits with excessive growth of perennial weeds are to be sprayed with glyphosate or similar & left for two weeks prior to cultivation. Annual weeds can be destroyed during cultivation. All pits where compaction has occurred are to be 'rippled' using a 3 tine cultivator to compact tractor prior to relaying. This will relieve compaction at depth & therefore allow better drainage & growth of grass & plants. The pits are then to be relaid, minor graded & raked down to prepare for turfing or seeding. All rubbish is to be cleared off & loaded into skips. All soft ground is to be well trodden until firm & then re-raked with the addition of fisons Ph5 pre-ferturting fertiliser or similar approved compound containing not less than Nitrogen 10%, Phosphoric acid 15% potash 10%, pits are to be rolled at this stage as this can cause undulation & compaction.

+ = Existing tree retained  
● = New tree planting

**TREE SPECIFICATION**

**Ha** Hawthorn *crataegus monogyna*  
**B** Bird Cherry *prunus padus*  
**R** Rowan *sorbus aucuparia*  
**H** Hornbeam *Carpinus betulus*  
**S** Silver Birch *Betula pendula*  
**D** Downy Birch *Betula pubescens*

New tree planting to consist of light standard 250 - 300 cm high & container grown.  
 Tree pits should be dug to 900mm & filled with three 300mm layers of free soil, firmed between layers.  
 All to be secured by single stake with rubber tie & cushion.  
 After planting, cover a circular area of 500mm radius, with medium grade bark mulch.

**FENCING**

Perimeter fencing to be 2.0m tall close boarded fencing. Dividing plot fencing to be 1.8m tall Beverley panel fencing with concrete posts & gravel boards. Panels marked on the plan with **R** to be a cut down Beverley panel to go from 6ft to 4ft tall.

Dashed fence lines - - - - - denote Lincolnshire post and 3 rail fencing

**HERDGEROW SPECIFICATION**

To be double row established semi mature specimens (not whips) & to be native species such as predominantly hawthorn with a mix of blackthorn & field maple.

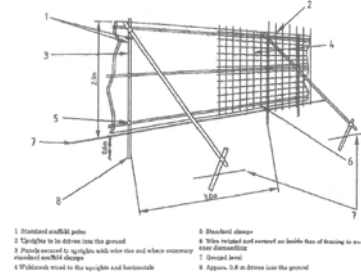
**TURFING** ( front gardens & service strips )  
 To be Lincoln Green LG2 (unless specified otherwise) a dwarf ryegrass turf most suitable for the purpose. The turf is to be laid with staggered joints & all edges to be clean out. The whole turfed areas shall then be planked to achieve an even surface, then watered for a week. Any imperfections in the established turf will be corrected or replaced. The turf will be laid only when the contractor considers the conditions suitable. This should be most times of the year but will not be during prolonged periods of drought (especially if watering is restricted) or if the grower is unable to lift turf. During the winter months if the ground is wet it may not be possible to carry out preparation properly as settlement may occur later - in these circumstances if doubt exists it is preferable to wait until the Spring.

**SHRUB BED PLANTING**

**SHRUB A** - planted at 5 plants / m<sup>2</sup> in 2 / 3/ pots  
 potentilla sp  
 lavandula sp  
 Bergenia sp  
 hebe sp

**SHRUB B** - planted at 3 plants / m<sup>2</sup> in 3/1 pots  
 sweet rocket  
 lavender  
 sweet briar  
 night scented catchly soapwort

All shrub areas to have minimum 450mm depth of good quality cultivated topsoil, free from bricks, large stones & other rubbish - 50mm of ornamental bark placed around shrubs



**TREE PROTECTION**

RPA fences & ground protection for trees / hedging to be in position before any work commences on site. The fenced area to be completely in-accessible to the building contractors with no storage of materials allowed. No mixing of cement based products within the RPA. No use of machinery that could lead to spillages of fuels / oils or other noxious substances either within the RPA or which could reach into the RPA from nearby areas.

C	Plot 7 revised	NwP	11.04.23
B	Plots 6 & 7 added	NwP	22.07.22
A	updated for planning	NwP	31.03.22

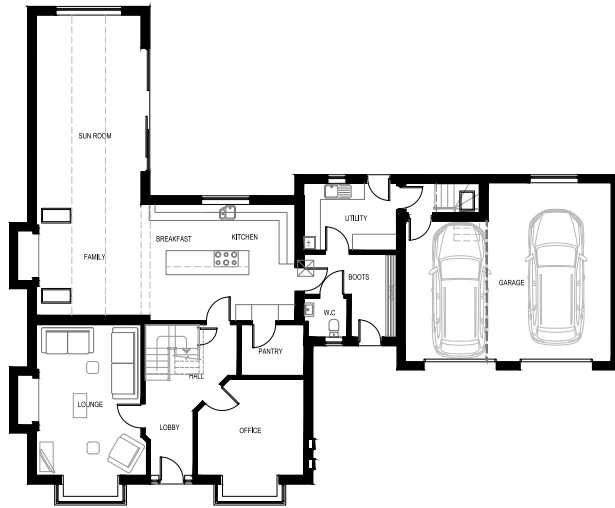
**KEIGAR HOMES LTD**  
 KEIGAR LODGE  
 CANNERRA VIEW  
 BARTON-UPON-HUMBER  
 NORTH LINCOLNSHIRE  
 DN15 5QR  
 Tel: 01652 631939 Fax: 01652 631938

**Residential Development**  
 land off VICARAGE LANE  
 WOOTTON

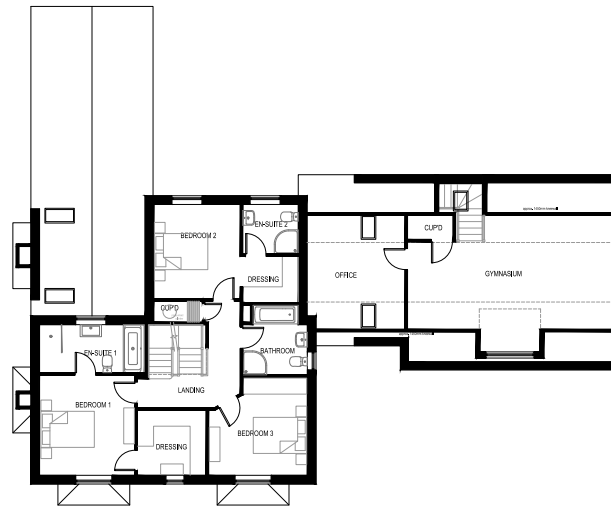
SITE LANDSCAPING, DRAINAGE & LEVELS	
NwP	03.11.21
1/500/A2	C

VL / 169 / 04

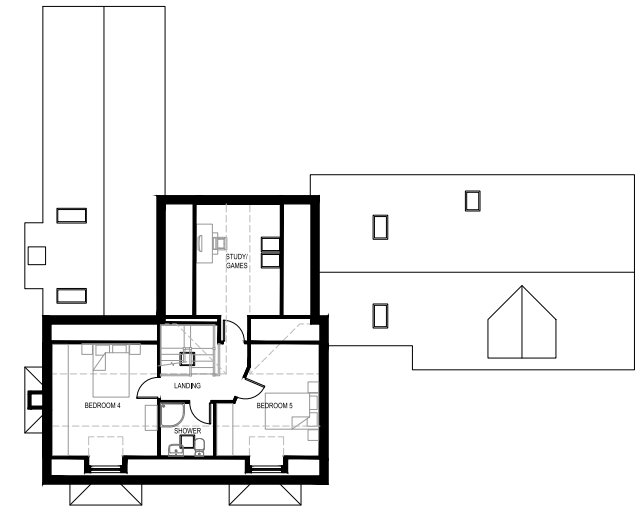
# PA/2023/1144 Proposed plans and elevations (not to scale)



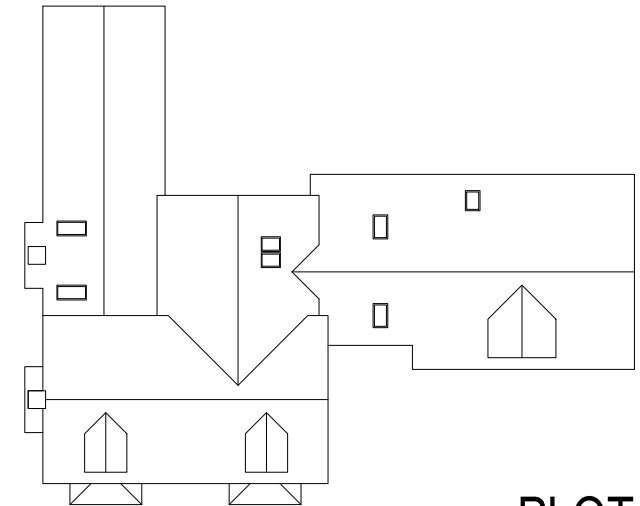
GROUND FLOOR PLAN



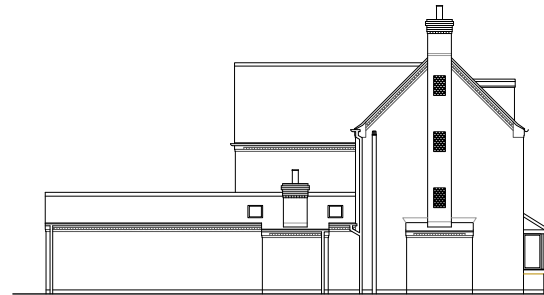
FIRST FLOOR PLAN



SECOND FLOOR PLAN



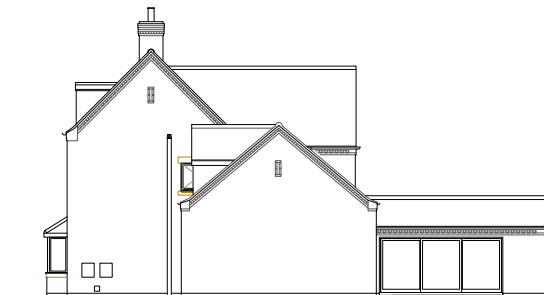
ROOF PLAN



SIDE ELEVATION



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION

## PLOT 7

A	Sunroom extended & extra chimney added.	NwP	11.04.23
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The Towers  
 Plot 7, Vicarage Lane

Plans & Elevations

NwP	13.05.22	1 / 100 @ A1
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VL/169/107	A
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