

APPLICATION NO	PA/2023/1720
APPLICANT	Mr Phil Wood
DEVELOPMENT	Planning permission to erect a garage
LOCATION	The Old Stackyard, Commonside, Westwoodside, DN9 2AR
PARISH	HAXEY
WARD	Axholme South
CASE OFFICER	Daniel Puttick
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Judy Kennedy – personal objections as well as endorsing those of the neighbouring owner)

POLICIES

National Planning Policy Framework:

- 2 Achieving sustainable development
- 4 Decision-making
- 8 Promoting healthy and safe communities
- 12 Achieving well-designed and beautiful places

North Lincolnshire Local Plan:

- DS1 General requirements
- DS5 Residential extensions
- 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
- CS25 Promoting sustainable transport

Housing and Employment Land Allocations DPD:

Settlement boundary for Westwoodside

Supplementary Planning Guidance SPG1

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 early 2024.

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:

SS1 Presumption in favour of sustainable development

SS2 Spatial strategy for North Lincolnshire

SS3 Development principles

SS11 Development limits

T1 Promoting sustainable transport

T3 New development and transport

DM1 General requirements

CONSULTATIONS

Highways: No objections or comments.

LLFA Drainage: No objections or comments.

Environmental Protection: No comments to make.

PARISH COUNCIL

Objects, making the following comments:

‘This is a re-application of PA/2023/1070 (withdrawn). The Parish Council notes the reduction in height of the proposal, our main concern remains the impact on the property to the rear of the site, the Parish Council notes the comment regarding the owners existing enjoyment of their property. This proposal goes some way to alleviating the impact on the neighbouring property, it will still reduce the enjoyment of the property to the rear and their conservatory (east).

This is an inappropriate siting for the use of restoring classic cars in a residential area.

It was noted that one objection has now been received from a neighbour.’

PUBLICITY

A site notice has been displayed and one response has been received from a neighbouring resident. The following is a summary of the material considerations raised within the objection:

- The revised application does not address previous concerns raised due to its size and position, which will be overbearing.
- Supporting plans indicate the garden room in the neighbouring property is a garage, which is not the case.
- The proposed development is 1m away from seating/patio areas associated with the garden room of the neighbouring property.
- The gable of the building will cast shadows across the bungalows to the rear, being considerably higher than the boundary fences/hedges.
- The size of the building is excessive, being similar in size to The Old Stackyard and larger than the bungalow to the rear.
- The building will be visible from all parts of the neighbouring garden.
- The new driveway will require the removal of existing trees which will reduce privacy and lead to traffic movements along the shared boundary.

ASSESSMENT

Planning history

PA/2023/1070: Planning permission to erect a garage – withdrawn

PA/2009/1385: Planning permission to erect a detached four-bedroom house and double detached domestic garage (resubmission of PA/2009/0516) – approved

PA/2009/0516: Planning permission to erect a four-bedroom detached dwelling and detached double garage – approved

2/1990/1095: Siting of a residential caravan – refused

2/1985/0083: Erect a detached bungalow - approved

Site characteristics

The site comprises an existing two-storey detached dwelling situated near the pond on Commonsides in Westwoodside. Access from the highway via timber gates set within a boundary wall, the property is of red brick construction and set back from the footpath within landscaped grounds. The existing house has accommodation over two floors, with a garage to the front of the site providing parking and storage space at the property.

The property is in a residential area within the settlement boundary for Westwoodside. The site is within flood zone 1, an area at low risk of flooding. There is no conservation area within Westwoodside. There is a listed building to the north-east of the application site fronting

Uppertorpe Road; however, as the site is not considered to be within the setting of this building, it is not considered further within this report.

Proposal

Planning permission is sought to construct an ancillary outbuilding to the rear of the property to provide garaging and storage space. The main body of the building would have a footprint measuring approximately 7.6m in width by 12.2m in depth, with a height to eaves level below 2.5m and height to ridge of 4.53m.

The main body of the building would be accessed via a new driveway leading from the existing parking area to the front of the property between the garage and house. The new driveway would be set away from the existing boundary with the neighbouring property, and lead to the front of the proposed outbuilding which would be accessed via a 4m wide roller shutter door.

A narrow offshoot would be constructed to the north of the main body of the building near the boundary with the bungalows to the rear of the property. This element project northwards by approximately 10m, with a height to eaves level below 2.5m and height to ridge of 3.44m.

The building would be constructed of materials to match the existing dwelling, including bricks, roof tiles and timber windows.

Material considerations

Planning permission is sought to construct a detached outbuilding within the curtilage of The Old Stackyard in Westwoodside. The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the GPDO) is a significant material consideration in determining this application.

Class E of Part 1 of Schedule 2 of the GPDO provides permitted development rights for the construction of outbuildings within the curtilage of residential dwellings. The permitted development right allows for 'the provision within the curtilage of the dwellinghouse of—

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.'

Development is not permitted under Class E in instances relevant to this application where:

- the total area of ground covered by the buildings would exceed 50% of the total area of the curtilage of the dwelling;
- any part of the building would be situated on land forward of the principal elevation of the dwelling;
- the building would have more than a single storey;

- the height of the building would exceed 4 metres in the case of a building with a dual pitched roof, 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwelling, or 3 metres in any other case;
- the height of the eaves of the building would exceed 2.5 metres; or
- the building would be situated within the curtilage of a listed building.

In this instance planning permission is required to construct the proposed outbuilding as it is within 2m of the boundary of the property and exceeds 2.5m in height.

The application involves works within the curtilage of an existing dwelling within a defined settlement boundary, the principle of which is acceptable in accordance with policy DS5 of the North Lincolnshire Local Plan.

The main issues in determining this application are:

- **design and impact on the character and appearance of the area; and**
- **impacts on residential amenity.**

Design and impact on the character and appearance of the area

Policy CS5 of the Core Strategy states that all new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place, the policy stating that design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.

Policy DS1 of the local plan seeks to ensure that proposals are sympathetic in design, scale and materials to the existing dwelling and its neighbours, and seeks that materials and finishes do not contrast markedly with those of the original building or neighbouring properties.

Policy DS5 of the local plan provides design criteria for new residential extensions, and generally seeks to ensure proposals are in keeping with their surroundings. It states that planning applications for residential extensions and the erection of garages, outbuildings, walls and other structures will be allowed providing that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings. It also states that the proposals should be sympathetic in design, scale and materials to the existing dwelling, and should not use materials or finishes which contrast markedly with those of the original building or neighbouring properties.

Supplementary guidance is provided within SPG1, which provides guidance specific to house extensions, including outbuildings and garages. It generally seeks to ensure new development proposals are appropriate in design and in keeping with the character of the property, rather than appearing as an afterthought, without dominating the original building in scale, materials or situation.

The proposed garage would be at the rear of the property. The existing house and garage located towards the front of the site, coupled with boundary treatments around the perimeter of the site and landscaping within the curtilage of the property, would screen the proposed outbuilding from views within the public domain. Given the modest scale of the building in

terms of its overall height, the garage would not be a prominent feature within the street scene. It may be possible for some glimpse views to be achieved of the garage once constructed; however, given its location at the rear of the property, it is not considered that there would be any adverse impacts upon the overall character of the area or street scene in this location.

The outbuilding would be of a simple design, constructed in materials to match the existing house and garage. The main body of the building would read as the focus of the new development, the narrow section along the western boundary of the side set down and smaller in scale, and read as an ancillary component of the outbuilding.

Concerns are raised by a neighbouring resident in respect of the scale of the building in relation to the existing dwelling. It is acknowledged that the building has a large footprint; however, the property has a sufficiently sized plot which can accommodate the scale of development proposed without resulting in the grounds of the property becoming overdeveloped.

The provisions of the GPDO would enable a building with a similarly sized footprint to be provided at the site without the need for planning permission. This is a material consideration which Members must bear in mind when determining the application. Given the availability of permitted development rights, it is not considered reasonable in this instance to withhold planning permission on the basis of the level of accommodation being proposed.

The introduction of the building at the site would alter the appearance of it when viewed from neighbouring properties. Concerns have been raised in respect of the building being visible from all areas of the neighbouring garden area. It is acknowledged that the introduction of a building at the site would change its appearance and would result in impacts upon views from neighbouring garden areas.

For similar reasons to those set out above, the introduction of a building at the site would not be considered to be so harmful as to justify withholding planning permission. Members are advised that extensive permitted development rights available to the applicant would enable a building to be constructed of a similar design and in a similar location to that proposed. As such, concerns raised in relation to the change in appearance of the site as a result of the proposed development should be afforded only very limited weight.

Having regard to the above, the design of the proposed development is considered to be appropriate in its context. The revised design has been significantly reduced in scale and is considered to be subservient to the size of the main house and existing garage located towards the front of the site. The building would not appear as a prominent feature within the street scene and would therefore be considered to maintain the character and appearance of the area in this location. The proposals are therefore considered to be acceptable in accordance with policies DS1 and DS5 of the North Lincolnshire Local Plan, policy CS5 of the North Lincolnshire Core Strategy and the aims of the NPPF.

Impacts on residential amenity

Policy DS1 of the local plan states, in relation to amenity, that 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.

Policy DS5 of the local plan provides design criteria for new residential extensions, and generally seeks to ensure proposals are in keeping with their surroundings. It states that

planning applications for residential extensions and the erection of garages, outbuildings, walls and other structures will be allowed providing that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings. It also states that development should not cause overshadowing as a result of the height and depth of the extension blocking daylight and sunlight, particularly in the case of two-storey extensions on or close to the boundary.

Paragraph 135 of the NPPF indicates that planning policies and decisions should ensure that, amongst other requirements, developments create places which are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The objection received raises a number of concerns relating to perceived impacts on residential amenity, with concerns regarding the impact on the enjoyment of the property to the east to the rear of the site raised by the parish council.

The application has been supported by detailed plans which include sections to enable an assessment of the impact of the development on the amenity of neighbouring residents. Based on the information provided within the application, the supporting information provided within the objection from the neighbouring resident, and from officer's findings during a visit to the site, it is not considered that the scale, layout or design of the outbuilding would unduly compromise the living conditions of occupants of the neighbouring property to the south of the application site.

Whilst close to the boundary with the neighbouring property, the sections demonstrate that the building would be smaller in terms of overall height than the garden room to the rear of the neighbouring property. The site plan also shows it would be positioned further back within the plot than the garden room of the neighbouring garage. For these reasons, the proposed outbuilding would not be considered to result in adverse impacts in respect of loss of outlook or any overbearing impacts for occupants of the property and its associated garden room to the south. Given its location in relation to this property, the outbuilding would not result in any loss of daylight or sunlight.

Concerns have been raised in relation to the introduction of a driveway within the site to serve the proposed outbuilding. This aspect of the development would not in itself require planning permission and as the vehicular movements likely to be generated by the development are low, officers consider that these concerns would not be sufficient to justify withholding planning permission. As indicated above, a similarly sized outbuilding could be provided at the site. The driveway has been positioned away from the boundary with the neighbouring property to the south, and in any event is something which could be introduced without the need for planning permission.

Planning permission is sought to construct the outbuilding. The supporting documents indicate that the building would be used for the storage and maintenance of classic cars, the applicant indicating that maintenance on the vehicles would continue to be undertaken primarily by a relative located in Cheshire. Given these circumstances and the scale of the proposal being ancillary to the dwelling, it is not considered that the development would give rise to any unacceptable loss of amenity for occupants of the dwelling to the south.

In summarising the above, the concerns raised by the objector are acknowledged; however, officers are satisfied that the revised proposals for the construction of an outbuilding at The Old Stackyard would not result in unacceptable impacts on the amenity of occupants of the

residential property to the south of the application site to a degree which would justify withholding planning permission.

The proposed development would be close to the eastern boundary of the property, beyond which there are two bungalows, one of which has a conservatory extending close to the boundary of the curtilage of the dwelling. Concerns have been raised by the parish council with regard to the potential impact of the development on the enjoyment of the property and its conservatory.

Application PA/2023/1070 was previously withdrawn, primarily due to concerns raised about the scale of the development in proximity to the neighbouring dwellings to the east, and resultant impact that would arise from the outbuilding in terms of loss of outlook, daylight and sunlight, and potential overbearing impacts.

The proposed outbuilding has been significantly reduced in scale from the previous application, in terms of both height and width. Due to the difference in levels between the properties to the east, which are set approximately 0.6m above the ground level within the application site and enclosed by boundary fencing approximately 1.6m in height, the impacts of the development would be significantly reduced. The site sections show the eaves of the building below the height of the existing boundary fence. As a result, only sections of the gable and roof of the building would be visible from the neighbouring properties.

Due to the difference in ground levels between the application and properties to the east, the design of the building, with eaves levels below the level of the existing fence, would ensure that the bulk of it would not impact the amenity of the neighbouring dwelling. The proposals would not be considered to give rise to harmful impacts in terms of loss of outlook or any overbearing impacts on these properties as a result.

Any impacts caused by the development would therefore primarily relate to the impacts of the gable and roof and potential for overshadowing, or loss of sunlight or daylight. For similar reasons to those above, whilst the development is close to the boundary with the neighbouring building, the revised design would not be considered to give rise to significant adverse impacts on the amenity of occupants of properties to the east in terms of overshadowing, and would not result in levels of light loss which would be significant enough to justify refusing planning permission.

The outbuilding would feature roof windows to the west-facing elevation of the offshoot from the main bulk of the building, and would feature two pedestrian doors in addition to the roller shutter door. The arrangement of openings, in the absence of openings on the south- and east-facing elevations, would ensure that the privacy of occupants of neighbouring dwellings would be preserved. To ensure that this remains the case, it is recommended that a condition be imposed to restrict the introduction of new openings and roof windows on the south- and east-facing elevations of the proposed outbuilding.

Having regard to the above, it is considered that the proposed development would not result in unacceptable adverse impacts on the living conditions of occupants of nearby residential properties. A condition is recommended to prevent the introduction of further openings and roof windows on the south and east-facing elevations. Subject to accordance with such a condition, the proposals are considered to be acceptable and in accordance with policies DS1 and DS5 of the North Lincolnshire Local Plan, supplementary planning guidance in relation to household extensions and the aims of the NPPF.

Conclusion

Having regard to the above, it is considered that the proposed development would not result in unacceptable adverse impacts on the living conditions of occupants of nearby residential properties. It is therefore recommended that planning permission be granted subject to a condition to prevent the introduction of further openings and roof windows in the south- and east-facing elevations.

RECOMMENDATION Grant permission subject to the following conditions:

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:

Drawing No. CWX1040-01C (Location Plan, Existing and Proposed Site Plans, Proposed Plans and Elevations).

Reason

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

3.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any other Order revoking, modifying or re-enacting that Order, no further openings or rooflights shall be installed in the south- and east-facing elevations and roof slopes of the development hereby approved unless an application for planning permission has first been granted by the local planning authority.

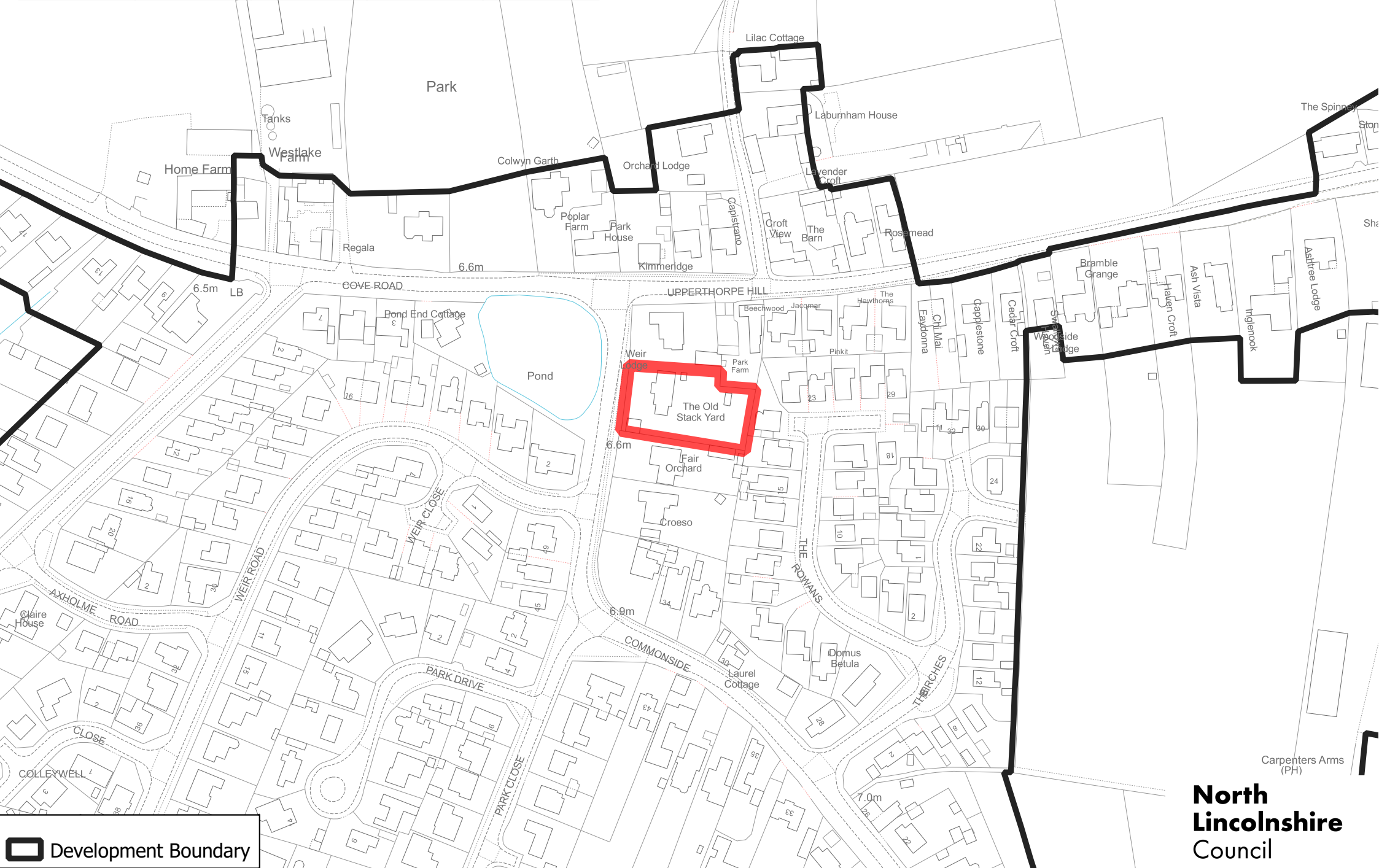
Reason

To ensure the privacy of occupants of neighbouring dwellings is preserved in accordance with policies DS1 and DS5 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.

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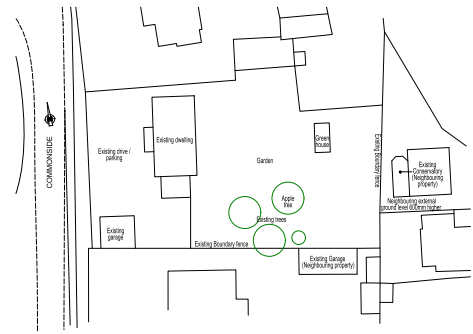
 Development Boundary

PA/2023/1720

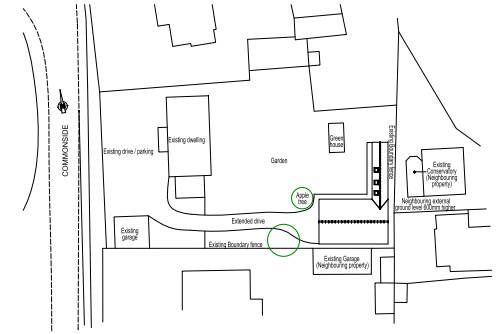
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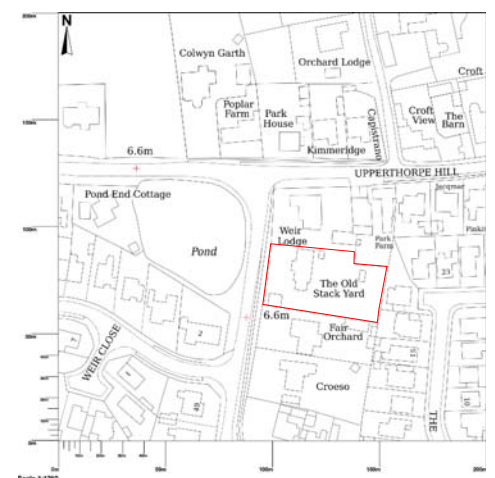
PA/2023/1720 Proposed plans and elevations (not to scale)



EXISTING SITE PLAN
1:500

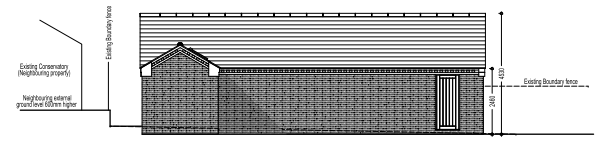


PROPOSED SITE PLAN
1:500

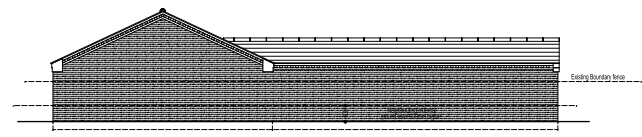


Scale 1:1250
© Crown copyright and database rights 2023 OS 100054135. Map area bounded by 474758.399840 474958.400040. Produced on 11 May 2023 from the OS National Geographic Database. Supplied by UKPlanningTools.com. Unique plan reference: pabu/4/848/1861/22/0005

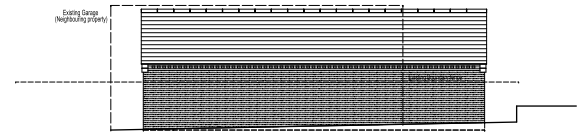
LOCATION PLAN
1:1250



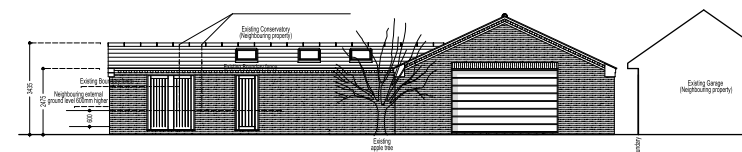
PROPOSED SIDE - NORTH - ELEVATION
1:100



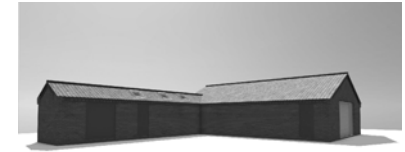
PROPOSED REAR - EAST - ELEVATION



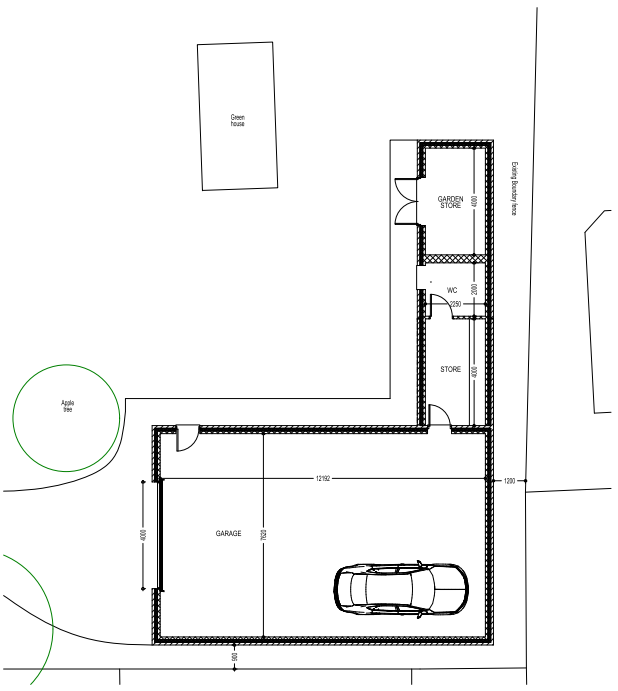
PROPOSED SIDE - SOUTH - ELEVATION




PROPOSED FRONT - WEST - ELEVATION



PROPOSED 3D VIEW
rts



PROPOSED FLOOR PLAN
1:100



Cadworx Ltd
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- Project
- PROPOSED CAR AND MOTORHOME GARAGE
- THE OLD STACK YARD
- 42 COMMONSIDE
- WESTWOODSIDE
-
-

Title:

- LOCATION PLAN
- EXISTING AND PROPOSED SITE PLANS
- PROPOSED PLANS AND ELEVATIONS

Scale	Date	Drawn
1:100 @ A1	05-2023	DS

Drawing No. CWX1040 - 01C

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