

APPLICATION NO	PA/2023/1194
APPLICANT	Matthew Barrett
DEVELOPMENT	Planning permission to vary condition 2 of PA/2022/510 namely to change the roof space into first-floor accommodation.
LOCATION	Kerrow Moar, Lidgett Close, Scawby, DN20 9AW
PARISH	SCAWBY
WARD	Broughton and Scawby
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Scawby Parish Council

POLICIES

National Planning Policy Framework:

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 11 Making effective use of land
- 12 Achieving well-designed and beautiful places

North Lincolnshire Local Plan:

- DS1 General requirements
- T1 Location of development
- T2 Access to development
- T19 Car parking provision and standards
- DS14 Foul sewage and surface water drainage
- DS16 Flood risk

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

CS19 Flood risk

CS25 Promoting sustainable transport

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 late 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 A spatial strategy for North Lincolnshire

SS3 Development principles

SS5 Overall housing provision

SS11 Development limits

DQE5 Managing flood risk

DQE6 Sustainable drainage systems

T2 Promoting public transport

T4 Parking

CONSULTATIONS

LLFA Drainage: No objection.

Environmental Protection: No comments to make.

Highways: No objections subject to a condition.

PARISH COUNCIL

Objects to this planning application as the alteration to this planning permission is substantial and cannot be considered a minor variant.

PUBLICITY

A site notice has been displayed and two responses have been received objecting to the proposal on the following grounds:

- the scale and design of the dwelling approved under PA/2022/510
- effect on amenity in terms of privacy, overbearing impact and overshadowing.

ASSESSMENT

Planning history

- PA/2023/1121: Application to discharge conditions attached to planning permission PA/2022/510 (conditions 4 and 5) – approved 04/10/2023
- PA/2023/654: Planning permission for a proposed detached dwelling – pending a decision
- PA/2022/510: Planning permission to erect a detached bungalow – approved with conditions 22/08/2022
- PA/2011/0510: Outline planning permission to erect a chalet bungalow with all matters reserved – refused 21/06/2011; subsequent appeal reference APP/Y2003/A/11/2165852 dismissed 06/06/2012
- PA/1998/0434: Planning permission to erect a replacement garage – approved 19/05/1998
- 7/1976/0748: Construct an extension to an existing shop – approved with conditions 22/10/1976.

Constraints

SFRA flood zone 1

Within the development boundary

Site description and proposal

This application seeks permission to vary condition 2 of PA/2022/510, namely to alter the approved plans at Kerrow Moar, Lidgett Close, Scawby, DN20 9AW.

The site is within the development boundary of Scawby and contains a two-storey detached dwelling with attached single-storey extensions, a detached garage and an outbuilding.

The site shares a common boundary with The Bungalow to the north and both properties are enclosed by road (Lidgett Close). The surrounding area is characterised mainly by two-storey semi-detached dwellings.

By way of background, planning permission was approved on 22 August 2022 to subdivide the dwelling plot to erect a detached dwelling. As indicated earlier, this application seeks to vary condition 2 of PA/2022/510, which states:

'The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Dwg. No. PA/2022/510/01 and Proposed Plans and Elevations Dwg. No. S/01/01/053/21.'

The main differences between the previous proposal (PA/2022/510) and the variation now being sought are as follows.

This current proposal seeks to retain the footprint and height (6.4m overall) of the plans approved under PA/2022/510. This variation would involve altering the roof style (increasing a section of the roof) to enable the roof space to be converted into living accommodation, and the dwelling is positioned slightly further forward on the site, more in keeping with the building line.

The variation also includes installing a dormer window in the west and east elevations, as well as three rooflights in the north elevation and one in the south.

Key issues

The key issues to be considered in assessing this application are:

- **principle of the development**
- **impact of the proposed variation**
- **amenity impact**
- **highway impact**
- **drainage impact.**

Principle of the development

Section 73 of the Town and Country Planning Act 1990 allows variation or removal of conditions associated with a grant of planning permission. One of the uses of a Section 73 application is to seek a minor material amendment to an approved scheme, where there is a relevant condition that can be varied.

The principle of the erection of the dwelling on the site has been established by the grant of PA/2022/510; the variation of condition 2 of PA/2022/510 does not supersede the approval already granted.

In line with the terms of Section 73 of the Town and Country Planning Act 1990 and the relevant policies of the local development plan, the principle of development is acceptable.

Layout, siting and design

The layout and siting of the development would remain as previously approved. This variation is limited to the design of the originally approved proposal, in particular altering the roof style, and installing a dormer window in the west and east elevations, three rooflights in the north elevation and one in the south, to enable the roof space to be used as living accommodation.

In considering design and appearance, the proposed variation on its own would not harm the character of the area or the street scene.

Amenity impact

Having reviewed the design of the proposed variation, in comparison with the approved plan under PA/2022/510, there would not be any significant planning issue with the footprint and height of the dwelling, as the footprint and ridge level would primarily be the same, notwithstanding the raising of a section of the roof to tie in with the uppermost ridge.

Undoubtedly, changes to the design of a dwelling raise concerns regarding the potential impact on surrounding amenity in terms of being overbearing, overshadowing and privacy.

Considering the planning history of the site, taking note of the refusal of outline planning permission (PA/2011/0510) to erect a chalet bungalow on 21/06/2011 and the dismissed appeal (APP/Y2003/A/11/2165852) on 06/06/2012, the Planning Inspectorate (PINS) dismissed the appeal based on concern about likely amenity impact in terms of overlooking of the garden area of an adjacent dwelling.

The proposal approved under PA/2022/510 adequately addressed the Planning Inspectorate's concerns in terms of amenity impact.

From the above, the main concern with this variation is whether the dormer windows would have a significant amenity impact on neighbouring properties since there were no first-floor levels within the originally approved plan under PA/2022/510.

Returning to the details of the proposed variation or the modification, the roof style would result in a hipped roof and enable the roof space to be converted into living accommodation. Having considered the details of the proposed roof style, it is considered acceptable within the setting.

In terms of privacy, as indicated earlier, the dormer windows would be installed facing east and west of the dwelling. All the dormer windows would face Lidgett Close, which the site is in the middle of. As the dormer windows would face the road, it is judged that they would not cause problems in terms of privacy or overlooking adjacent properties.

Turning to the rooflights, they would be in the north and south elevations, and the size and number of rooflights are restricted to the minimum and do not form clutter. The rooflights are ideally set within the roof slope. The use of the rooflights to provide natural light to the first-floor accommodation is acceptable. In terms of privacy, while the rooflights would face neighbouring properties, they would not take away any privacy as they would look up into the sky and not directly into the windows or gardens of neighbouring properties.

In terms of being overbearing, the footprint of the approved plan (PA/2022/510) would be retained and therefore the changes to the plan would not raise any planning issues. Further, the separation distance of the dwelling from the common boundary with the neighbouring properties is adequate to prevent any overbearing impact. Overall, there would be no overbearing or overshadowing impact. Any unanticipated issue of overshadowing would be minimal and would not warrant refusal of the application.

The overall assessment is that the variation is acceptable because it would not harm the living conditions of neighbours. The proposal would accord with policies DS1 of the local plan and CS5 of the Core Strategy.

Highway issues

Policy T2 of the local plan states that all development should be served by satisfactory access. Policy T19 is concerned with parking provisions. Both are considered relevant.

The proposed variation to condition 2 of PA/2022/510 is not considered to have an impact on highway safety or the provision of car parking spaces as approved. The details of the materials provided would not raise any issue in terms of highway impact.

Highways have no objections to the proposal. As such, the proposal complies with policies T2 and T19.

Drainage

Policy CS19 of the Core Strategy is concerned with flood risk and policy DS14 is concerned with foul sewage and surface water drainage.

The application site is within SFRA flood zone 1, which has a low probability of flooding; this proposal, too, is unlikely to cause any issues of flooding.

The LLFA Drainage Team has no objections to the proposed development subject to conditions and informative comments.

Objection by Scawby Parish Council

Scawby Parish Council objects to this application. They are concerned that the variation to this planning permission is substantial and cannot be considered minor. This concern has already been addressed in the principle of the development section.

They have also indicated that the proposal is for substantial changes to the height and layout, making the property two-storey which will harm neighbouring properties in terms of loss of natural light and privacy.

It is evident from both the previously approved drawing and the current variation drawing that the height would remain the same (6.4m overall), though the current proposal will raise the lower section of the roof to match the uppermost ridge (6.4m high). The impact of this change has already been addressed in this report, as has the concern about loss of privacy.

The parish council feels that changing this property into a 'dormer' style property is not suitable or acceptable in this location. This matter has also been addressed. It is judged that the dormer window style would be sympathetic to the dwelling in terms of form, detailing and materials, and would not harm the street scene or the character of the area.

Conclusion

The principle of the proposal is acceptable, and the proposed changes are appropriate. The position, scale and design of the proposal do not raise any issues of privacy, overbearing impact or overshadowing. The proposal would not harm the character of the street scene or the surrounding area. It therefore complies with the relevant policies of the North Lincolnshire Local Plan and the Core Strategy, as well as the NPPF and is recommended for approval.

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

1.

The development must be begun before the expiration of three years from 22 August 2022, the date PA/2022/510 was approved.

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 plan: Proposed Dormer Bungalow Plans 23-514-201.

Reason

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

3.

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 that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

4.

The details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway, discharged by the local planning authority under PA/2023/1121, shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraph 163 of the National Planning Policy Framework.

5.

The details showing an effective method of preventing surface water run-off from the highway onto the developed site, submitted and discharged in writing by the local planning authority under PA/2023/1121, shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

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 sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

6.

Adequate vehicle access, parking and turning facilities serving the existing dwelling shall be retained in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

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

7.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

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

8.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

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

9.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) shall be retained.

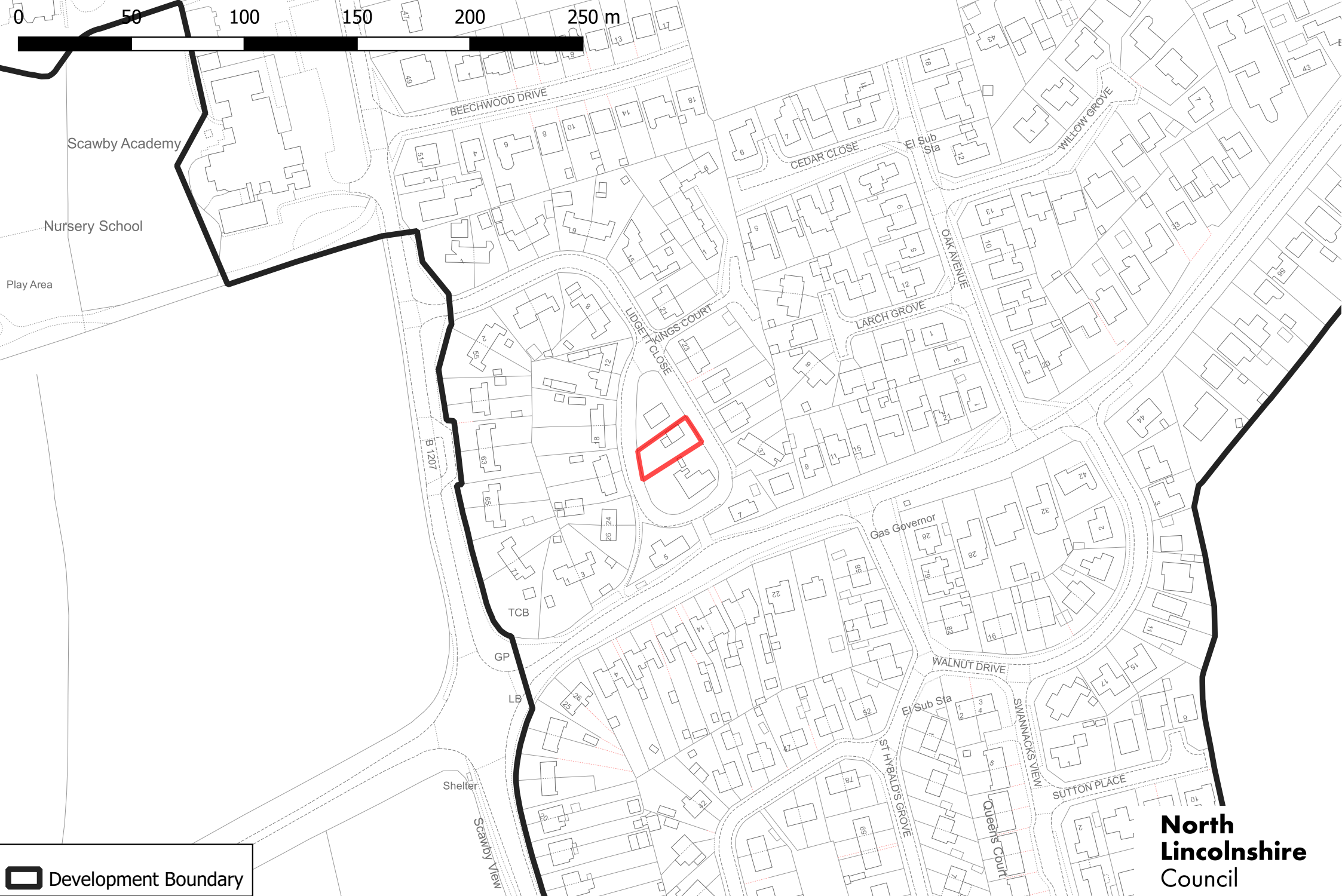
Reason

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

Informative

In determining this application, the council, as a 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.

0 50 100 150 200 250 m



Scawby Academy

Nursery School

Play Area

BEECHWOOD DRIVE

CEDAR CLOSE

WILLOW GROVE

LIDGEY WINGS COURT

LARCH GROVE

B 1207

TCB

Gas Governor

GP

WALNUT DRIVE

Shelter

El Sub Sta

Scawby View

ST HEALD'S GROVE

Queens Court

SWANNACKS VIEW

SUTTON PLACE

Development Boundary

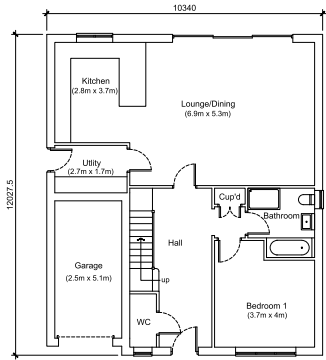
North Lincolnshire Council

PA/2023/1194

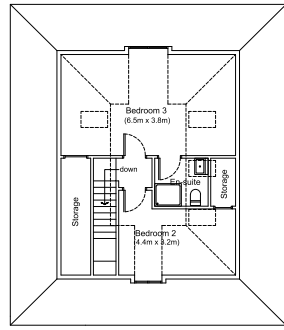
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PA/2023/1194 Proposed plans (not to scale)

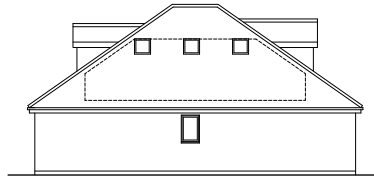
Notes
 1. Do not Scale.
 2. All dimensions to be checked on site.
 Revisions



Ground Floor Layout



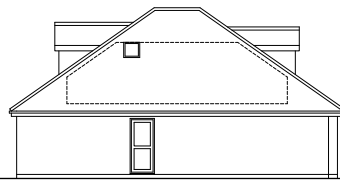
First Floor Layout



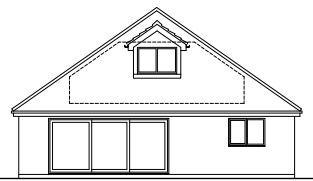
North Elevation



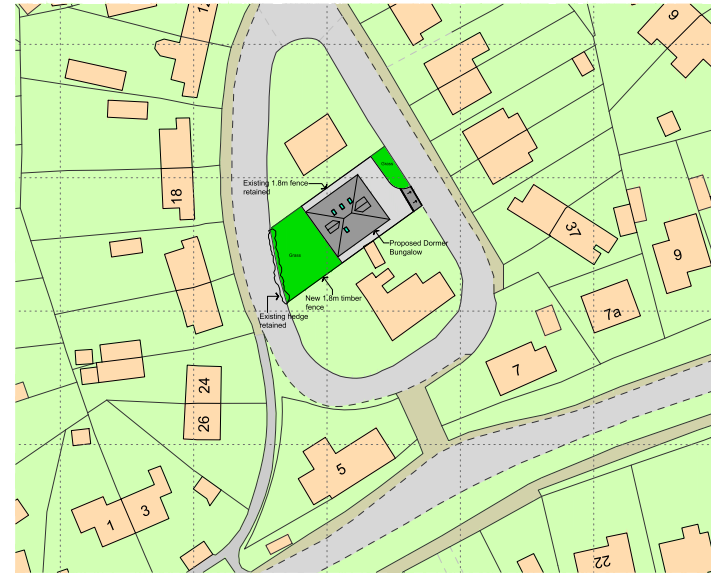
East Elevation



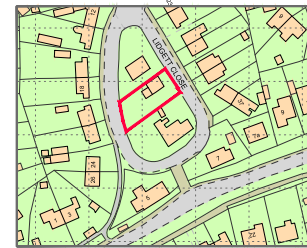
South Elevation



West Elevation



Block Plan (1:500)



Site Location Plan (1:1250)



Project			
Plot adjacent to 'Kerrow Moar', Lidgett Close, Scawby			
Title Proposed Dormer Bungalow			
Scale 1:100	Size A1	Date 21.06.2023	
Drawing No. 23-514	201	Rev	-
CDC Architecture Limited 35 Louth Road, Scartho, Grimsby North East Lincolnshire, DN33 2HP ARCHITECTURE www.cdc-architecture.com			