

APPLICATION NO	PA/2023/1769
APPLICANT	Mrs Claire Welsh
DEVELOPMENT	Planning permission to erect a wood pergola with a roof in the garden close to the boundary
LOCATION	Crystal House, Archers Close, Wrawby, DN20 8TQ
PARISH	WRAWBY
WARD	Brigg and Wolds
CASE OFFICER	Matthew Gillyon
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Wrawby Parish Council

POLICIES

National Planning Policy Framework:

Part 12 Achieving well-designed and beautiful places

North Lincolnshire Local Plan:

DS1 General requirements

DS5 Residential extensions

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

Housing and Employment Land Allocations Development Plan:

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 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

SS11 Development limits

DM1 General requirements

CONSULTATIONS

Highways: No comments or objections to this application.

LLFA Drainage: No objections or comments to the proposed development.

PARISH COUNCIL

Objects to this application on the following grounds:

- The height of the structure is not in keeping with the area and will dominate the skyline.
- The structure is very close to the boundary of the neighbouring property, and with no information and evidence of guttering and soakaways, the rainwater will run off into the neighbouring property.

PUBLICITY

A site notice has been displayed and seven comments have been received: one query, two objections and four in support of the proposal:

Query:

- Does the proposed height of the pergola comply with planning requirements/regulations?

Objections:

- The height of the pergola above the boundary fence and the proximity to the boundary are causing concerns. The closeness to the fence will cause problems with rainfall run-off and the height of the roof is an encroachment on the enjoyment of our garden.
- Despite adding guttering, the structure still does not meet previous objections by the parish council in respect of the overall height of the roof. This affects the skyline by being too tall, surely too tall to meet planning requirements. The rear of the roof is also black felt, not the same finish as the front.

Support:

- As the neighbours immediately to the left of this, we are fully supportive of this structure. It has been tastefully and professionally constructed with a green roof which blends well with the bushes and trees to the rear and side of it. It has guttering to stop water rotting the fences which actually both belong to Crystal House. The understanding was that it was built to stop the mess from the tree at the rear which does make a mess. The pergola does not stop the enjoyment of our garden at all and we look straight at it.
- Living as neighbours to Crystal House, we have no objections to the pergola being built. It looks tidy and well-camouflaged with the greenery behind it and has been thoughtfully constructed. We find this structure does not disrupt the views and will provide a pleasant place where people can spend time together while being shielded from adverse weather. We also experience litter coming from a nearby tree which is troublesome all year round and therefore can completely appreciate the desire to shield their garden from this.
- My property is to the right of Crystal House and I fully support the structure which is under construction.
- We have no objections with the structure of this pergola. We live next door and it does not affect us at all. We can see that it has been well built and is not an eyesore. My neighbour takes great pride in the garden and it is always neat and tidy. I do not find any problem at all with this pergola.

ASSESSMENT

Planning history

No previous planning applications.

Site constraints

The site is within the development boundary of Wrawby within SFRA flood zone 1. The tree to the rear of the site has a tree preservation order (land off Bakersfield, Wrawby 2001).

The site and proposal

This application is for retrospective planning permission for a wood pergola with a roof in the rear garden against the boundary of Crystal House, Archers Close. The pergola is sited in the rear corner of the rear garden, in the sunken patio which is 300mm lower than the grass. The pergola has a pitched roof with a height of 3.7m, a length of 4.3m and a width of 2.4m, and is constructed from timber with a felt roof which is bottle green.

The main issues in determining this application are:

- **principle of development**
- **impact on the character and appearance of the area; and**
- **residential amenity.**
- **Flood risk and drainage**

Principle of development

Policy CS2 of the North Lincolnshire Core Strategy (NLCS) sets out a sequential approach to locations of new development within North Lincolnshire with small-scale developments within the defined development limits of rural settlements being a preferred location.

Policy DS5 of the North Lincolnshire Local Plan (NLLP) supports development for outbuildings providing the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings.

This proposal is for development within the curtilage of a residential property, within the development limit of Wrawby, is considered to be in accordance with these policies and is acceptable in principle.

Impact upon the character of the area

Policy CS5 of the NLCS states that new development should be well designed and appropriate for their context and contribute to creating a sense of place, with any proposed development needing to respect the character and appearance of the locality.

This retrospective application is to erect a pergola with a roof in the rear curtilage of the host dwelling. The pergola is made out of timber and felt, traditional materials for a structure like this, and is in the rear garden, which is considered to be the place where a development like this would be erected. Comments have been made that the pergola is of a good design and well built. It is in the rear garden against the property boundary which is defined by fencing. The pitched roof of the pergola is visible above the fence line with the overall height of the structure under the existing vegetation and tree in the neighbouring dwelling's garden. The structure is only partially visible through the gaps between the properties with the pergola only visible by the host dwelling and adjoining neighbours. It is not considered to be out of character for the area and is in accordance with policy CS5 of the adopted Core Strategy.

Impact upon residential amenity

Policies DS1 and DS5 of the NLLP state that new development should be well designed and appropriate for their context with no unacceptable loss of amenity to neighbouring properties. Outbuildings will be allowed providing that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing or loss of privacy to adjacent dwellings, with proposals sympathetic in design, scale and materials to the existing dwelling and its neighbours.

This proposal is for retrospective planning permission for a pergola with a roof in the rear garden against the boundary fence. Two comments have been received regarding planning requirements. The structure has a maximum height of 3.7m and is against the boundary fencing. In this instance, if a development was to be constructed under permitted development rights, the maximum height of an outbuilding must be no more than 2.5m to not require planning permission. As the pergola is 3.7m high, it does require planning permission, hence this application, the structure being 1.2m taller than what is allowed under permitted development rights. However, the pergola is within the sunken patio area, which is 300mm below the level of the grassed area; this need to be taken into account in considering this application.

The pergola is surrounded by fencing that defines the boundary for the properties and a mix of trees and bushes, the tree directly behind the pergola, which is in the rear garden of a dwelling located on Bakersfield, being protected by a tree preservation order (TPO). The tree in question is referenced in the comments and is suggested as one of the reasons for the erection of the pergola in order to stop the litter from the tree. The tree and vegetation of the property to the rear of the development are taller than the pergola.

It is also commented that the development will dominate the skyline; however, with trees and vegetation already taller than the pergola, it is considered that the development will not dominate the skyline. There has also been support for the structure from neighbouring properties, saying that they have no objection, the pergola is well designed and built, and it will assist in stopping the litter from the adjacent tree.

The pergola is in the corner of the rear garden, surrounded by fences that define the property boundary, with vegetation behind the fence of the northwest property, and a tree, vegetation and a shed behind the fence of the property to the northeast. The pergola has been built within the sunken patio area of the dwelling, with the site also been on a slope which rises to the southeast and northeast of the pergola, with the pergola downhill from the properties behind and 10m away from the boundary to the dwelling to the southeast. The neighbouring property to northwest is downhill from the development. The main patio area of the neighbouring property is on the opposite boundary. The roof of the pergola is above the existing fence line, however with the line of the sun rise and sun set going around the pergola the orientation of the pitched roof will still allow sunlight into the neighbouring property and with the property behind the dwelling having a tree and vegetation that is already taller than the pergola will have limited impact.

It is considered that the pergola will not create an adverse impact on residential amenity, the overall height not being a departure when compared to the vegetation that is already taller directly behind the structure. The proposal is therefore considered to be in accordance with policies DS1 and DS5 of the local plan.

Flood risk and drainage

It is also noted from the comments and objection from the parish council that there is a concern of water running off the pitched roof onto the neighbouring property. This has been clarified by the amended photos which show that guttering and rainwater goods have been attached to the pergola to stop any run-off. The site is also on a gradual incline and with the location of the development at the highest point, any surface water would actually run into the host garden and down the hill.

Conclusion

This retrospective application for planning permission for a wood pergola with a roof in the garden is not considered to have any unacceptable adverse impacts on the character of the area or residential amenity. The proposal is therefore considered to comply with policy and is recommended for approval.

RECOMMENDATION Grant permission subject to the following condition:

1.

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

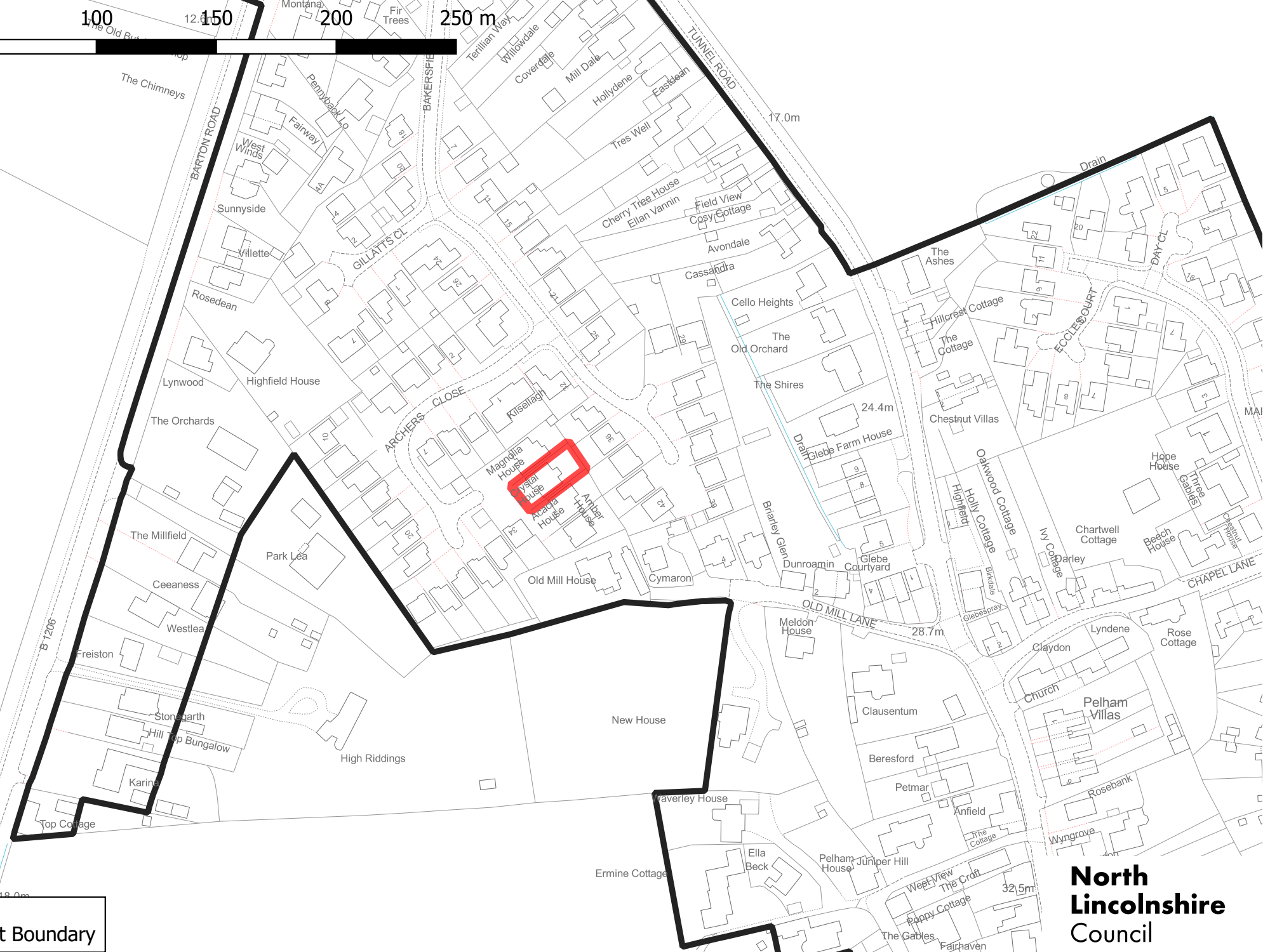
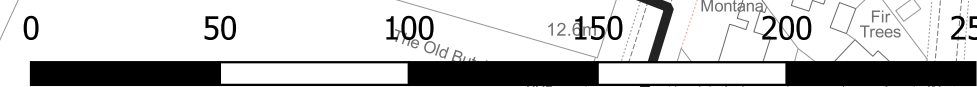
- Location Plan PP-12580317v1
- Elevations and Measurements PA/2023/1769/DRWG01
- Elevation Drawing PA/2023/1769/DRWG02
- Boundary Location PA/2023/1769/DRWG03
- Plan Drawing PA/2023/1769/DRWG04.

Reason

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

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.

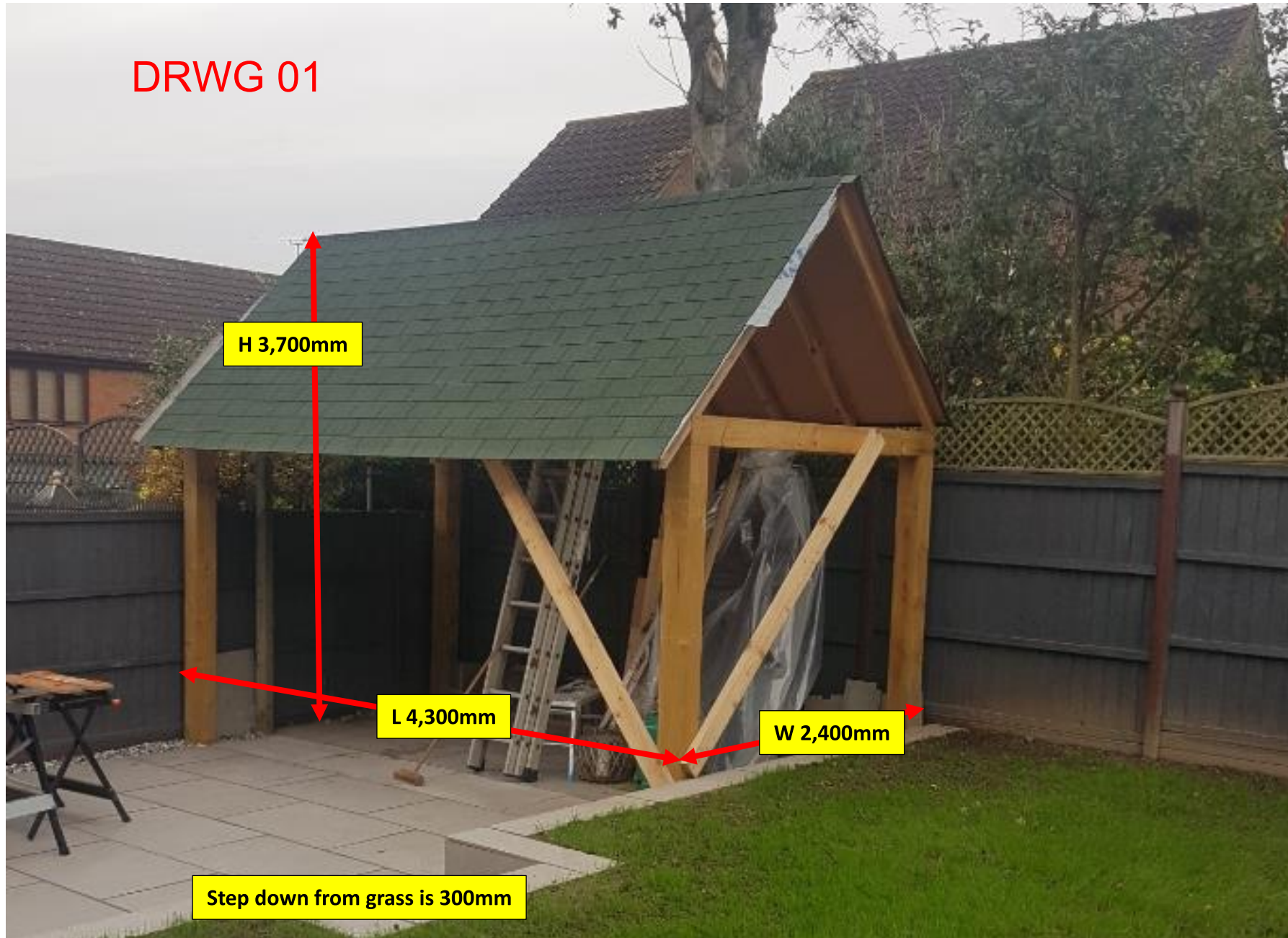


 Development Boundary

PA/2023/1769

**North
Lincolnshire
Council**

DRWG 01



H 3,700mm

L 4,300mm

W 2,400mm

Step down from grass is 300mm