

APPLICATION NO	PA/2020/1563
APPLICANT	Mr Martin Cawkwell
DEVELOPMENT	Planning permission to erect a rear access garden boundary wall with dwarf walls leading over covered culvert
LOCATION	Homefield, Thorn Lane, Goxhill, DN19 7JE
PARISH	Goxhill
WARD	Ferry
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission subject to conditions

REASONS FOR REFERENCE TO COMMITTEE Objection by Goxhill Parish Council

POLICIES

National Planning Policy Framework: Paragraph 127 – Planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

North Lincolnshire Local Plan: DS1, DS5, T19, RD2, RD10

North Lincolnshire Core Strategy: CS5

CONSULTATIONS

Highways: No objections subject to a condition linking the development to the submitted plans.

Drainage (Lead Local Flood Authority): No objections subject to conditions.

PARISH COUNCIL

Objects to this planning application on the basis that the wall, despite being revised, is still a danger and obscures the view of all road users and pedestrians.

PUBLICITY

The proposal has been publicised by site notice in accordance with Article 15 of the Development Management Procedure Order 2015 and subsequent revisions.

A representation in support has been received which states, ‘...Given the amendments to the existing wall as shown on the plan for this construction, I feel that the application should be approved.’

ASSESSMENT

Planning history

PA/2019/2116: Planning permission to create new access, erect boundary wall and erect detached garage – refused.

PA/2020/1561: Planning permission to erect a garden building – approved.

Constraints

Open Countryside – Housing and Employment Land Allocations DPD 2016.

Site characteristics

The proposal site represents rear curtilage associated with Homefield. The dwelling is accessed from Thorn Lane though the garage is only visible from Church Side. The dwelling is one of a group that make up a hamlet that is detached from Goxhill and located wholly within the open countryside in accordance with the HELA DPD 2016. The dwelling and curtilage abut an open field to the east. A previous application, which included a rear access and boundary treatments, was refused. The applicant has amended the boundary wall and proposes planting to the front of the boundary to soften the appearance.

The following considerations are relevant to this proposal:

- **residential amenity**
- **character and appearance**
- **highway safety**
- **drainage.**

Residential amenity

Policy DS5 of the North Lincolnshire Local Plan is concerned with residential extensions. 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. The proposals should also be sympathetic in design, scale and materials to the existing dwelling and its neighbours.

The works relate to the rear boundary and a culvert over the watercourse. This point of the property is to the rear and away from all other dwellings. It is therefore considered that the proposal would not carry any overbearing, overlooking or overshadowing impacts that would be detrimental to the residential amenity rights of adjoining neighbours and aligns with policy DS5.

Appearance

Policy DS5 of the local plan and CS5 of the Core Strategy are concerned with visual amenity, the former stating that proposals should be sympathetic in design, scale and materials. Countryside policy RD2 is also considered relevant.

The rear wall is urban in appearance and previously considered inappropriate for its location next to open countryside fields. The applicant has attempted to overcome this by proposing some planting to the front of the wall. The planting needs further consideration but could work in softening the appearance of the wall. Given it is on the bank of a watercourse, however, the correct species should be used to achieve the correct height and density without impeding the watercourse. A landscaping condition is therefore proposed to mitigate this issue. The applicant does not show what gate will be installed; this has the potential to be harmful upon the open countryside and will need to be controlled given the lack of detail submitted. Lastly, there would perhaps be an issue in relation to character at night should inappropriate lighting be installed at the access on the rear boundary; a condition is also recommended removing the ability to light up this access without first having it agreed by the local planning authority; this also has highway safety repercussions. It is therefore considered, with the afore-mentioned mitigation and the amendments made to the wall by the applicant, that the proposal is in accordance with policies DS5, RD2 and RD10 of the local plan, as well as CS5 of the Core Strategy.

Highway safety

Policy T2 of the North Lincolnshire Local Plan is concerned with access to development and states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision as well as general highway safety. Both policies are considered relevant.

The highways department have been consulted and have no objection to the proposal providing any permission is linked to the submitted plans. The parish have objected on highway safety grounds. Given the specialist advice from Highways, it is considered that there are insufficient grounds to disagree with their assessment. It is therefore considered, subject to the aforementioned mitigation, that the proposal would align with policies T2 and T19 of the North Lincolnshire Local Plan.

Drainage

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 are considered relevant. The application site is located within flood zone 1 and is therefore a preferred place for development in terms of flood risk.

The LLFA has been consulted and has no objection providing that conditions are attached requiring details to be submitted showing how the transfer of surface water from the curtilage to the highway (and vice versa) is to be mitigated. Given that pooling of surface water on the highway could lead to safety impingements, this condition will be attached to any permission granted.

It is therefore considered, in respect of flooding and drainage, subject to the aforementioned mitigation, that the proposal is in accordance with policy DS16 of the local plan, policies CS18 and CS19 of the Core Strategy, and paragraphs 155, 157, 163 and 165 of the NPPF.

Conclusion

The proposal has previously been refused under delegated powers; however, there are grey areas with this application. The applicant considers the rear wall to be permitted development, being under 2 metres in height. However, the previous decision is partly based on the premise that the wall is adjacent to the highway and so can only be 1 metre in height. The grey area is the intervening land use, in this case the watercourse. There are appeal decisions to support both stances. However, the applicant has made a small change and the mitigation measures discussed in this report attempt to assimilate the urban appearance of the wall into the open countryside, namely landscaping conditions, control of gate design and lighting. This is considered sufficient to manage the development going forward.

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: MCC04, MCC01.

Reason

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

3.

Prior to the first use of the access, details of the planting shall be submitted to and agreed in writing with the local planning authority. The planting shall thereafter be retained.

Reason

In the interest of character and to accord with policy CS5 of the North Lincolnshire Core Strategy.

4.

Prior to the first use of the access, details of the gate to be installed shall be submitted to and agreed in writing with the local planning authority. The gate shall be retained thereafter.

Reason

In the interest of character and to accord with policy CS5 of the North Lincolnshire Core Strategy.

5.

No lighting shall be installed on the rear boundary or the access at any time unless otherwise first agreed in writing with the local planning authority.

Reason

In the interest of character and to accord with policy CS5 of the North Lincolnshire Core Strategy.

6.

The access shall not be used until details showing an effective method of preventing surface water run-off from the highway onto the developed site have been submitted to and approved in writing by the local planning authority. These facilities 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 the 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.

7.

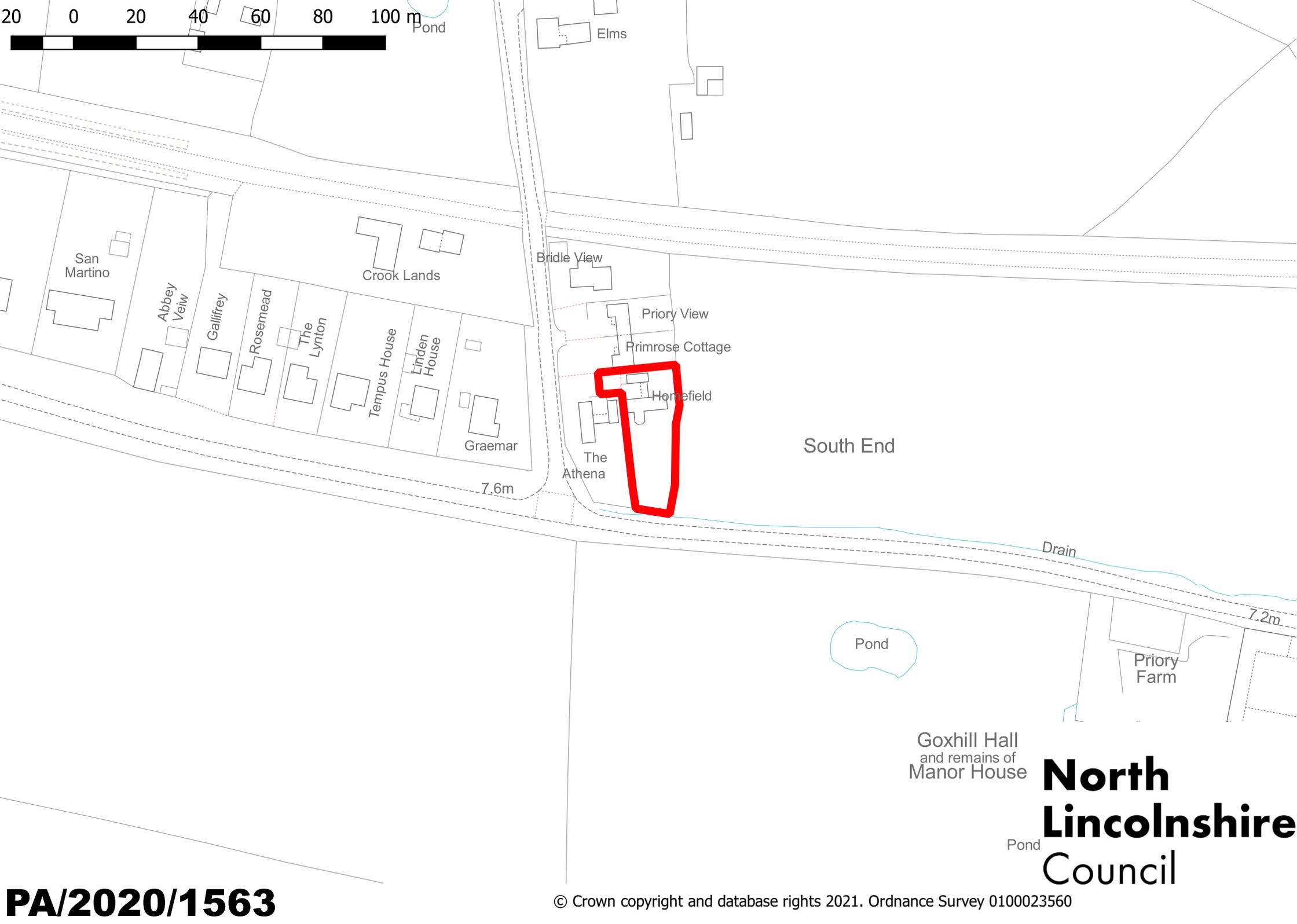
The access shall not be used until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities 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.

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.



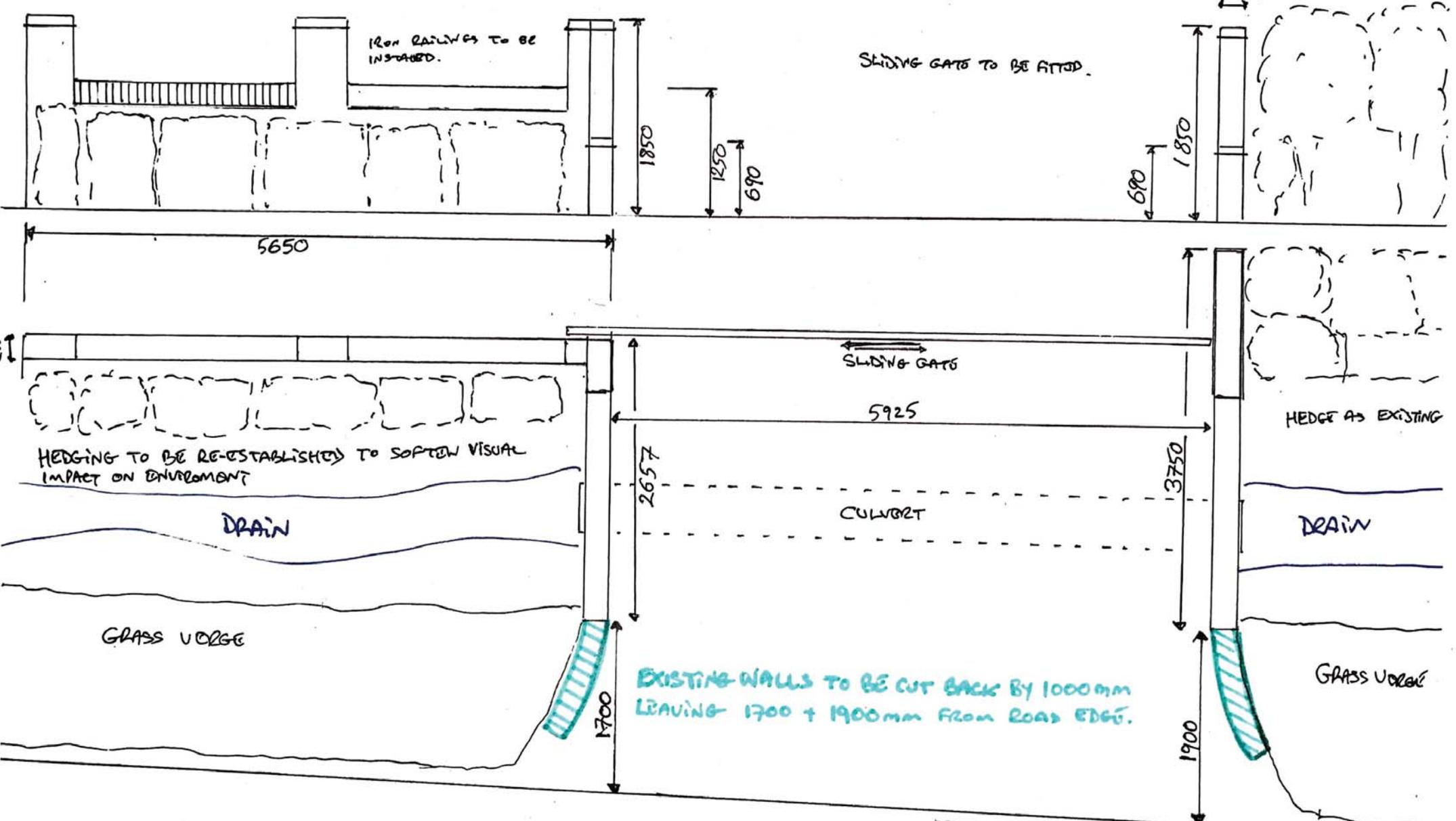
PA/2020/1563

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Goxhill Hall
and remains of
Manor House
**North
Lincolnshire
Council**

PA/2020/1563 Wall details (not to scale)

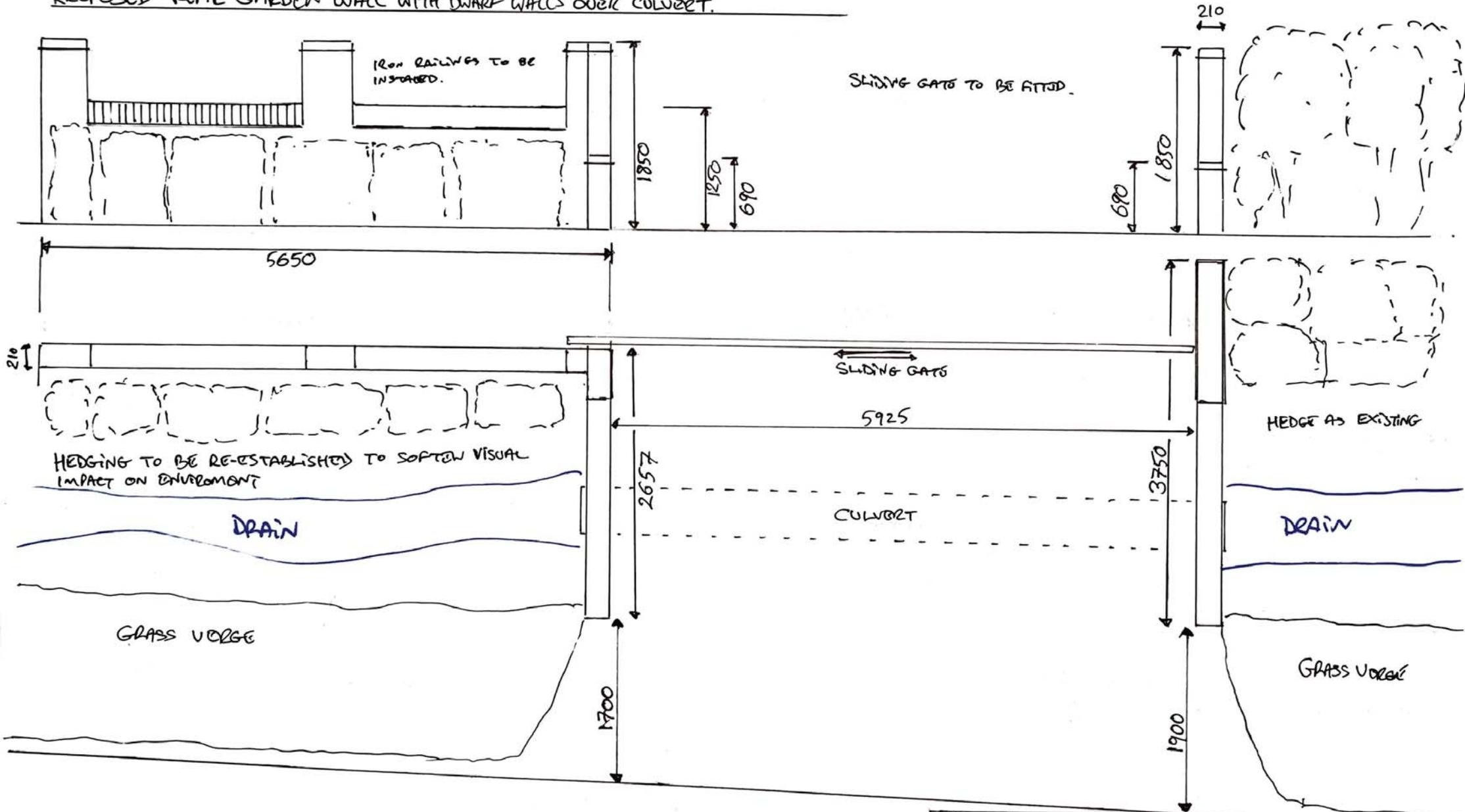
PROPOSED REAR GARDEN WALL WITH DWARF WALLS OVER CULVERT.



SOUTHEND / CHURCH SIDE
UNCLASSIFIED ROAD

PROJECT	1:50 SCALE
REAR GARDEN WALL WITH DWARF WALLS OVER CULVERT. ACCESS INTO REAR GARDEN OF 'HOMERFIELD'	MEASUREMENTS IN mm
Plotting 51079 : North 47 0599	PLAN # MCC05

PROPOSED REAR GARDEN WALL WITH DWARF WALLS OVER CULVERT.



SOUTHEND / CHURCH SIDE
UNCLASSIFIED ROAD

PROJECT.

REAR GARDEN WALL WITH DWARF WALLS OVER CULVERT. ACCESS INTO REAR GARDEN OF 'HOMFIELD'

Drawing 51079 : North 420599

1:50 SCALE

MEASUREMENTS IN MM

PLAN # MCC04

08/10/2020