

APPLICATION NO	PA/2022/3
APPLICANT	Adams O'reilly Ltd
DEVELOPMENT	Planning permission to vary condition 2 of planning permission PA/2020/1872 to change approved drawings to enable alterations to the design of the approved dwelling
LOCATION	The Vicarage, 5 Paul Lane, Appleby, DN15 0AR
PARISH	Appleby
WARD	Broughton and Appleby
CASE OFFICER	Martin Evans
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Appleby Parish Council

STATUTORY TESTS

The statutory test within the Planning (Listed Buildings and Conservation Areas) Act 1990:

Section 66 states, 'In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Section 72 states, 'In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

POLICIES

National Planning Policy Framework: Section 5 and Section 16

North Lincolnshire Local Plan: DS1, DS7, DS11, T2, T19, HE2, HE5, H5, H7

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS6, CS25

Appleby Neighbourhood Plan: AP1, AP2, AP3, AP13

CONSULTATIONS

Conservation:

18/02/2022: Objection – design change recommended. The application should be amended to remove the central front gable and use timber windows and doors to comply with above stated policy or be refused.

03/03/2022: Happy for the amended application to go forward.

Archaeology: No further comment.

PARISH COUNCIL

18/2/2022: 'The Developer / Builder addressed Appleby Parish Council regarding the design of the porch only and he was advised that he should contact the case officer for the original application. It was also suggested that he reference Appleby Neighbourhood Plan regarding design and Conservation.

AP1 relates to sustainable development and so the Appleby Parish Council were supportive in principle subject to design when PA/2021/1872 was considered and also as such in relation to PA/2022/3.

AP2 relates to Design Principles with strong references to Appleby Conservation Area Design Statement leading to our objection to the size and scale of the original design, which was amended to a dormer bungalow design to mitigate the size and scale, and for timber windows and doors in the conditions PA/2021/1872. The design statement relates specifically to timber for windows and doors. The materials of timber for windows and doors are also shown in the covering letter for PA/2020/3. However, the Material section of the renewed application shows windows to be timber effect PVC which Appleby Parish Council OBJECT to as they do not conform to the Conservation Area Design Statement covered in the Appendices to our Neighbourhood Plan, but more than this, there is no definition as to the quality of the uPVC materials which can vary significantly. The covering letter shows photographs of a certain style of the porch but they are on full-sized properties, not Dormer style bungalows, and we feel that the large gabled front to the amended property does not reinforce the character of the location, consequently, the suggested gabled front to accommodate the proposed porch is a negative architectural feature. This was also raised and objected to in the original application.

AP3 section d) and NLC policy D1 consider the impact on neighbouring properties. We OBJECT to the addition of skylights on the SE side of the rear extension, they have a detrimental effect on the amenity of the neighbouring thatched cottage due to proximity and angle. Because the thatched cottage sits at an angle to the proposed property the two front dormer windows of the new property are looking away from the cottage, but the proposed skylights are directly overlooking the cottage thereby affecting the amenity for existing and future residents. The proximity of the new property to the SE boundary also adds to the loss of amenity due to the skylights which are designed to be opened.'

16/3/2022: 'The amendment to the materials for windows and doors to be timber fits with the Conservation Area Design statement in Appleby Neighbourhood Plan Policy AP2/3 - Parish Council supports the amendment.

The amended design of the front profile of the house by way of limiting the front porch to timber and slate fits with the Conservation Area Design statement in Appleby Neighbourhood Plan Policy AP2 a) - Parish Council supports this amendment.

The sky lights on the Eastern side of the rear extension are still a concern for Appleby PC. Neighbourhood Plan Policy AP3 - section d) states that development will not adversely impact upon the residential amenities of the neighbouring property. Despite the consideration of the height of the skylights The Thatched Cottage can be overlooked by residents of the proposed development. Appleby PC do not think it reasonable to accept the issue of overlooking from that part of the development.

Neighbourhood Plan Policy AP13 section b) states that particular regard will be had to the impact of the development on any designated heritage asset or its setting. The loss of amenity for residents of The Thatched Cottage is not considered reasonable.'

PUBLICITY

Two site notices have been displayed and one letter of objection has been received (summary):

- The material section of the renewed application clearly shows windows to be 'timber effect PVC' which do not conform to the Conservation Area Design Statement.
- The proposed porch is present on full-sized properties in the area, not dormer bungalows. The large gabled front to the amended property does not reinforce or enhance the character of the location. The porch projects beyond the front curtilage of The Vicarage.
- Additional rooflights to the south-east side will overlook a neighbouring property contrary to policy AP3 d) [Appleby Neighbourhood Plan] and NLC policy D1 [North Lincolnshire Local Plan].
- The amended drive and parking arrangements will cause harmful noise and air pollution 2 metres away from the neighbouring garden and dwelling. This is harmful to residential amenity and health.

ASSESSMENT

Planning history

PA/2020/1872: Planning permission to erect a dwelling with associated works – granted 04/06/2021.

PA/2018/2519: Consent to fell a conifer tree within the conservation area – granted 11/02/2019.

PA/2017/1569: Consent to carry out various arboricultural works to trees within the conservation area – granted 15/03/2018.

PA/1998/0632: Planning permission to erect a two-storey domestic extension – granted 28/07/1998.

7/1989/1020: Permission to erect a 6ft larch lap fence topped with 2ft trellis – granted 01/02/1990.

Site characteristics

The site is to the south, but within the curtilage, of The Vicarage and to the north of The Cottage, which is a grade II listed dwelling fronting Paul Lane. Appleby has a definite character that comes from the consistent use of limestone, red brick and pantiles on the buildings, and the abundance of hedges and trees that provide a marked contrast to the openness of the surrounding landscape. The existing conservation area has two main elements: Ermine Street, including part of Paul Lane; and Church Lane, including parts of Churchside and Haytons Lane.

Paul Lane extends to Ermine Street at one end and connects to Beck Lane and School Lane at the other where there is a park and open space. The Vicarage is described within the appraisal as a building of townscape merit and is afforded space around it; the dwelling is set back from Paul Lane with a grand entryway. The Cottage, on the other hand, fronts Paul Lane, directly informs the street scene and is somewhat of a landmark dwelling; this historically and aesthetically holds hierarchy over the street scene. These buildings do not align with the materials mentioned in the above paragraph and are quite unique in that regard within Appleby.

Paul Lane has another side that is not really characterised within the conservation area appraisal, where a series of linked bungalows with pool parking impose themselves upon the street scene. The buildings are utilitarian and functional with low grassed areas to the front and are made up of brown facing brick, concrete interlocking tiles with white UPVC windows and some doors. These dwellings, whilst functional and a needed tenure/property type, detract from the existing historic environment.

Proposal

This application is to vary condition 2 of planning permission PA/2020/1872 to erect a dwelling with associated works. The subject condition states:

‘2.

The development hereby permitted shall be carried out in accordance with the following approved plans: H&D - 5 APP - 2020 - 2005 Rev B; H&D - 5 APP - 2020 - 2003 Rev B.

Reason

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

It is proposed to vary this condition to refer to new submitted drawings showing a revised design for the dwelling, specifying the external finishing materials and changing the parking layout. The drawings numbers are:

- 1130 01 D Proposed site plan (received 4/3/2022)

- 1130 02 E Floor Plans (received 4/3/2022)
- 1130 03 D Elevations, Sections and 3D (received 4/3/2022)
- 1130 04 D Front Elevation (received 4/3/2022)
- 1130 05 C Material Planning Confirmation (received 4/3/2022)
- 1130 06 A Garage Plans and Elevations (received 7/3/2022).

The amended condition 2 would state:

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

- 1130 01 D Proposed site plan (received 4/3/2022)
- 1130 02 E Floor Plans (received 4/3/2022)
- 1130 03 D Elevations, Sections and 3D (received 4/3/2022)
- 1130 04 D Front Elevation (received 4/3/2022)
- 1130 05 C Material Planning Confirmation (received 4/3/2022)
- 1130 06 A Garage Plans and Elevations (received 7/3/2022)

Reason

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

The proposed changes entail additional driveway roughly the size of one car parking space; a porch entrance feature and new front door design; front rooflight; three side rooflights; and removal of two side windows.

The main issues in the determination of this application are the proposed changes to the approved development as well as any changes in planning policy and the physical surroundings of the site. It is also necessary to reconsider the need for any previous planning conditions.

There has been no significant change to the physical surroundings of the site since the previous approval. The NPPF was revised on 20 July 2021 and places an increased emphasis on beautiful design and placemaking. There is no change in development plan policy.

Design and impact upon the historic environment

Policy DS1 requires that a 'high standard of design is expected' and identifies that proposals will be considered against two criteria, these being:

- (i) the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area; and

- (ii) the design and layout should respect and where possible retain and/or enhance the existing landform of the site.

Policy CS5 of the North Lincolnshire Core Strategy is also relevant. It states, '...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place' and '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 HE2 of the North Lincolnshire Local Plan is concerned with development in conservation areas and sets out a criteria-based approach to assessing such proposals. Policy HE5 of the local plan is concerned with development affecting the setting of listed buildings. The policy states that proposals which damage the setting of a listed building will be resisted. Policies CS5 and CS6 of the Core Strategy are also relevant: CS5 tasks developers with finding context within a new proposal, whilst CS6 seeks to protect and enhance the area's historic assets.

Policies AP1/2 and 13 of the Appleby Neighbourhood Plan are all relevant, as well as the Parish Design Statement. One of the key design principles to consider is AP2 'B' which states, '...the design reinforces the character of the village or rural area by respecting the local vernacular building character in terms of scale, form, materials used, plot density, special architectural and landscaping features, whilst safeguarding and enhancing the heritage assets of the area and the natural environment;'

The proposal has been amended to remove the front gable end feature, make the central dormer window into a rooflight and to make all external windows and doors timber. Timber porches are a feature of the conservation area. The rooflight amendments are appropriate. The choice of Hampton bricks and Rivius Antique Slate are appropriate. The Conservation Officer raises no objection to the proposed design and palette of materials. The parish council supports the provision of timber windows and doors, slate roof and the front profile of the proposal. The amended proposal is well designed and would preserve or enhance the character or appearance of the conservation area and would preserve the setting of the listed building in accordance with the statutory tests and suite of development plan policies.

Residential amenity

Policy DS1 is partly concerned with impacts upon residential amenity. It states 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 H5 also requires 'development does not result in overlooking or a loss of privacy to existing developments, or any other loss of amenity to existing dwellings.'

The modest additional parking area is not considered to give rise to harm to residential amenity, including noise and air pollution, when compared to the previously approved development. The cross-section shows the new side rooflights are high level with an annotated measurement of 1.9 metres between the internal finished floor level and the bottom lip of the new rooflights. This would prevent all but exceptionally tall people of approximately 2 metres (6 feet 6 inches) or more in height being able to see out of the rooflights and would not result in harmful overlooking of neighbouring properties. The

impact on residential amenity is considered acceptable in accordance with these policies, despite the objection to this point maintained by the parish council.

Previous conditions

1. Implementation period to be adapted to give three years from the date of the previous approval. Guidance is clear that section 73 applications cannot be used to extend the implementation period for a planning permission.
2. Is to be varied as applied for.
3. Parking facilities – to remain.
4. Contamination – to remain.
5. Window treatment – to remain with adapted drawing number.

Conclusion

The principal of development is established by the extant permission. The proposed changes to the site layout and design are acceptable and would not harm residential amenity or heritage assets. It is recommended that the variation of condition sought is approved.

RECOMMENDATION Grant permission subject to the following conditions:

1.
The development must be begun before the expiration of 4 June 2024.

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:

1130 01 D Proposed site plan (received 4/3/2022)
1130 02 E Floor Plans (received 4/3/2022)
1130 03 D Elevations, Sections and 3D (received 4/3/2022)
1130 04 D Front Elevation (received 4/3/2022)
1130 05 C Material Planning Confirmation (received 4/3/2022)
1130 06 A Garage Plans and Elevations (received 7/3/2022).

Reason

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

3.
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.

4.

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 in writing by the local planning authority.

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.

5.

The window of the gabled dormer serving bedroom 4, as shown on drawing 1130 03 D Elevations, Sections and 3D (received 04/03/2022), shall be obscured to level 3 of the Pilkington scale (or equivalent) and any part below 1.7 metres from finished floor level of that room shall be non-opening or top hung. It shall be retained in that form thereafter.

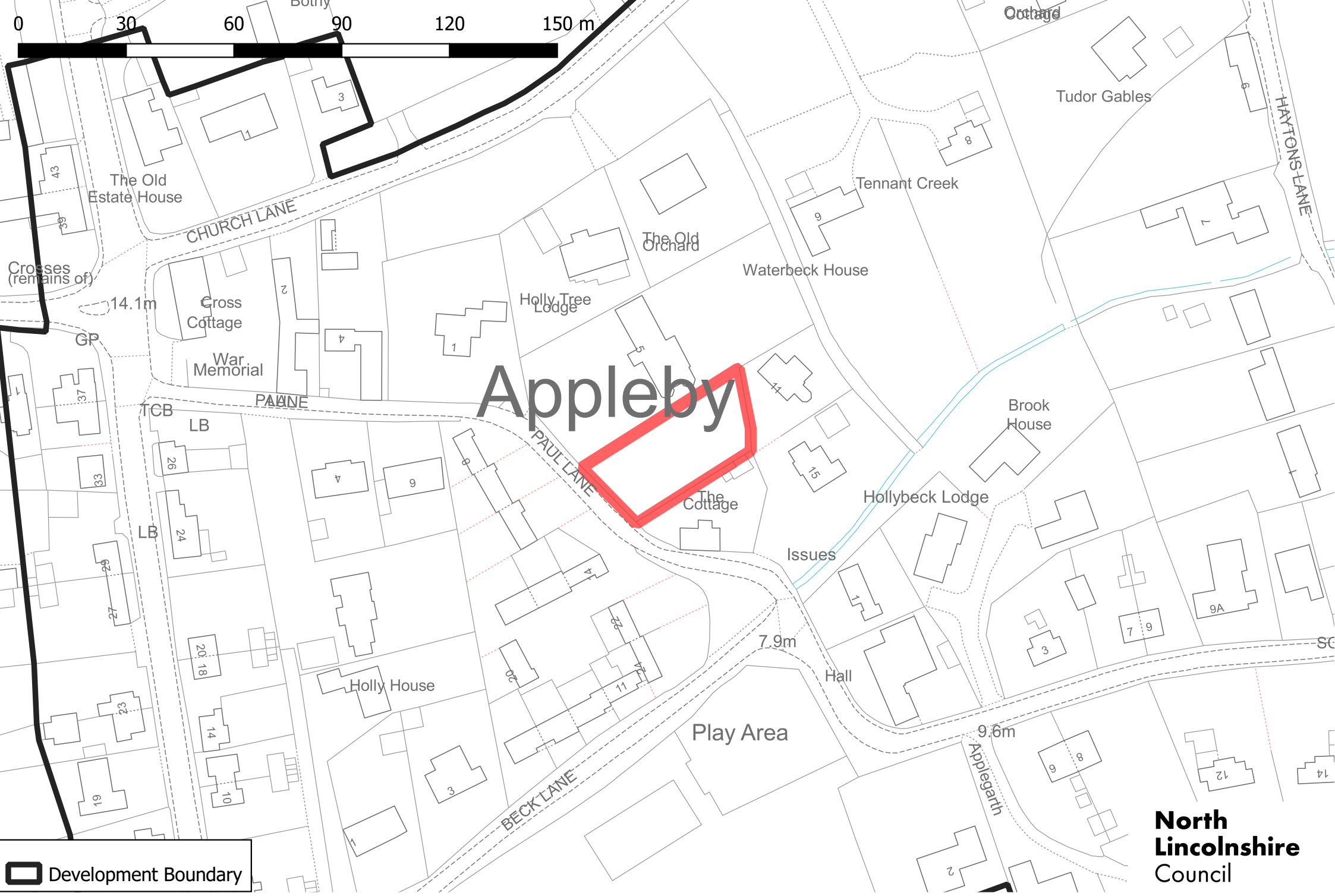
Reason

In the interests of amenity and to accord 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.

0 30 60 90 120 150 m



Appleby

 Development Boundary

PA/2022/3

**North
Lincolnshire
Council**

PA/2022/3 Proposed layout (not to scale)



D	03.03.22	Rooflight added	AR
C	25.02.22	Front Elevation Revised	AR
B	18.11.21	PLANNING ISSUE	AR
A	15.11.21	Client Issue	AR

Rev	Date	Description	By
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ARCHITECTURAL DESIGN

PLANNING ISSUE

CLIENT AdallyHomes Ltd.

Project Land next to The Vicarage, New Build, Appleby

Proposed Site Plan

Drawn By AR

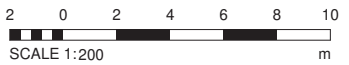
Scale @ A3 1 : 200

First Issue 15.11.2021

1130 | 01 | D

Proposed Site Plan

1 : 200



PA/2022/3 Proposed front elevation (not to scale)

Proposed new conservation
rooflight to the centre of dwelling



Proposed Front Elevation

1 : 100

Front entrance door with
side panel glazing, with
triangular glazing above

Oak frame timber porch to front
entrance with slate tile roof finish



Front 3D View 01

D	03.03.22	Rooflight added	AR
C	25.02.22	Front Elevation Revised	AR
B	18.11.21	PLANNING ISSUE	AR
A	15.11.21	Client Issue	AR

Rev	Date	Description	By
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ARCHITECTURAL DESIGN

PLANNING ISSUE

CLIENT AdallyHomes Ltd.

Project Land next to The Vicarage,
New Build, Appleby

Front Elevation

Drawn By AR

Scale @ A4 1 : 100

First Issue 15.11.2021

1130 | 04 | D



South Elevation (Front)
1 : 100

Corbelled brickwork to eaves with brickwork detailing along new gable end

Oak Frame Timber Porch with slate tile roof
Entrance door with side glazing panels and triangle top glazing panel



West Elevation (Side)
1 : 100

Oak timber porch with slate tile roof
Oak columns with oak truss
Brick plinth to porch



North Elevation (Rear)
1 : 100

Oak timber porch with slate tile roof



East Elevation (Side)
1 : 100

Proposed 3 No. 550 x 980mm Rooflights

Rev	Date	Description	By
D	03.03.22	Rooflight added	AR
C	25.02.22	Front Elevation Revised	AR
B	18.11.21	PLANNING ISSUE	AR
A	15.11.21	Client Issue	AR

Rev Date Description By

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ARCHITECTURAL DESIGN

PLANNING ISSUE

CLIENT AdallyHomes Ltd.

Project Land next to The Vicarage, New Build, Appleby

Elevations, Sections and 3D

Drawn By AR

Scale @ A3 1 : 100

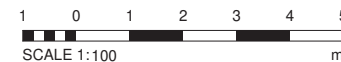
First Issue 15.11.2021



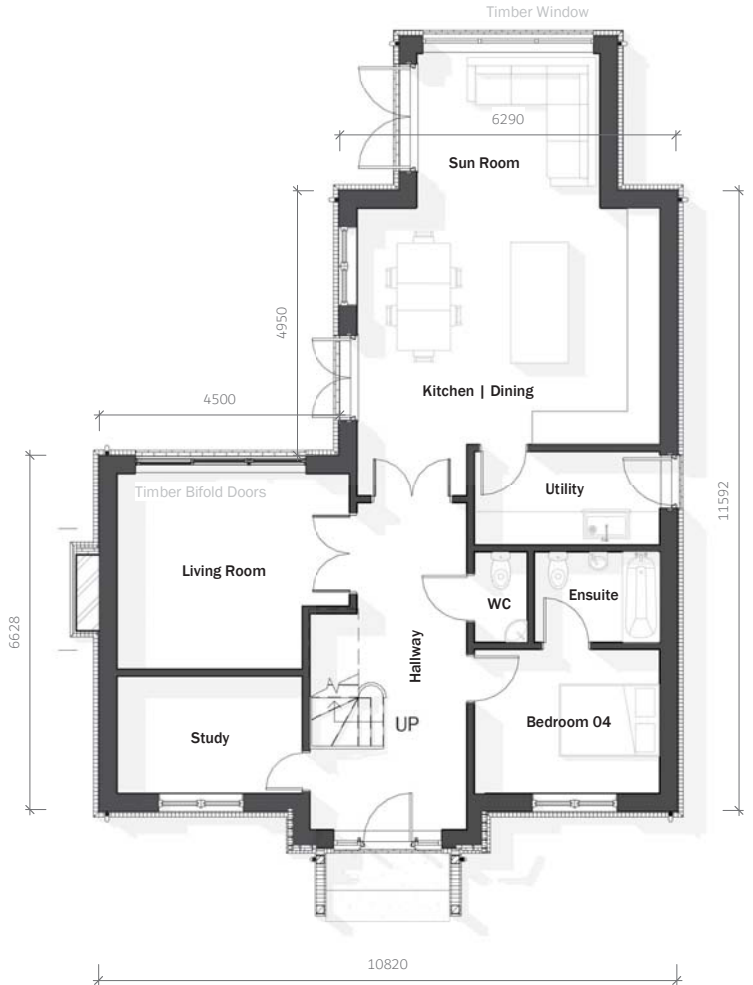
Section A - A
1 : 100



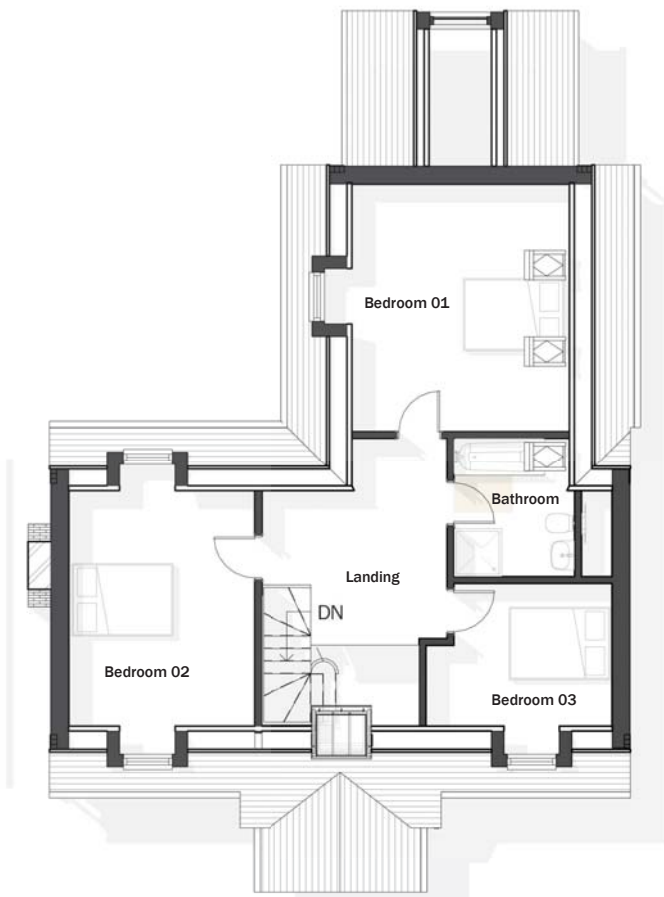
Front 3D View



1130 | 03 | D



Ground Floor Plan
1 : 100



First Floor Plan
1 : 100

E	03.03.22	Rooflight added	AR
D	25.02.22	Front Elevation Revised	AR
C	18.11.21	PLANNING ISSUE	AR
B	17.11.21	Layout Revised Following Client Comments	AR
A	15.11.21	Client Issue	AR

Rev	Date	Description	By
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PLANNING ISSUE

CLIENT AdallyHomes Ltd.

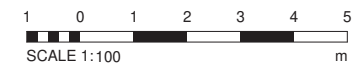
Project Land next to The Vicarage, New Build, Appleby

Floor Plans

Drawn By AR

Scale @ A3 1 : 100

First Issue 15.11.2021



1130 | 02 | E