

**[05]** Full Planning Permission

N/105/01925/ 23 **APPLICANT:** Mr. S. & Mrs. B. Blakey,

**VALID:** 04/10/2023 **AGENT:** Andrew Clover Planning and Design,

**PROPOSAL:** Planning Permission - Extensions to existing dwelling to include a first floor to provide additional living accommodation.

**LOCATION:** SPIRE VIEW, 18 ST MARYS LANE, LOUTH, LN11 0DT

## **1.0 REASONS FOR COMMITTEE CONSIDERATION**

1.1 The application has been subject to a committee call-in request by Councillor D Hall on the basis of concerns about impact of the proposed development upon the amenity of neighbouring residential properties and issues of design generally.

## **2.0 THE SITE AND SURROUNDINGS**

2.1 The site is located within the town of Louth and accessed by a shared road running north from St Marys Lane. The site is in an elevated position from the road and when compared to the levels of many of the adjacent dwellings but quite well screened by existing landscaping. The site is occupied by a detached single storey dwelling with numerous outbuildings including the siting of a static caravan. An old (1957) Area Tree Preservation Order (TPO) applies to trees along the western side of the access road. The site lies outside but within close proximity to Louth Conservation Area.

## **3.0 DESCRIPTION OF THE PROPOSAL**

3.1 Planning Permission is sought for extensions to the existing dwelling to include a first floor to provide additional living accommodation.

3.2 The proposal includes numerous alterations to the existing dwelling as well as a 1.5 storey extension. The existing conservatory would be demolished, existing windows on the southern elevation would be changed to bi-fold doors and a double door, with the existing entrance door being changed to a window. On the northern elevation an existing set of bi-fold doors would be changed to a window. There would also be alterations to the internal layout which would also result in 2 windows on the eastern elevation being slightly altered to better serve the new internal layout.

3.3 The main extension would extend off the western elevation by 6.065m and with a length of 12.365m. The height of the extension would be approximately 7.2m to the ridge and approximately 4m to the eaves. There would be another set of bi-fold doors on the ground floor of the southern elevation and a set of doors at first

floor level with a small Juliet Balcony which would not extend beyond the southern elevation. To the rear on the northern elevation there would a large window on the ground floor and two smaller windows on the first floor. The external materials for the walls would be render and cladding, the roof would be concrete tiles while the windows and doors would be UPVC. No details of the colours have been submitted.

- 3.4 Following negotiation, amendments were secured providing for a set back of the proposed extension by approximately 2m from the northern elevation of the dwelling. The amended block plan shows the outbuildings which are to be retained and the landscaping around the site, including to the north. In addition to this, topographical data has also been included on the existing site plan showing the varying levels within the site, confirming how the site slopes gradually downwards from north to south but with a higher ridge along the northern boundary. The amended plans show that a small tree is to be removed, along with a hedgerow along the western boundary of the site.

#### **4.0 CONSULTATION**

- 4.1 Set out below are the consultation responses that have been received on this application. These responses may be summarised, and full copies are available for inspection separately. Some of the comments made may not constitute material planning considerations.

##### **Publicity**

- 4.2 The application has been advertised by means of a site notice and neighbours have been notified in writing.

##### **Consultees**

LOUTH TOWN COUNCIL - Support.

**Publicity** – Site notice and neighbour notification letters.

##### **Neighbours**

- 4.3 Four (4) letters of objection have been received from the 3 properties to the rear (north) of the site on Woodvale Rise, some of which included photographs. These objections have been received on the grounds of:-

- Loss of privacy.
- Overlooking of gardens.
- Overlooking of bedrooms.
- Overbearing impact.
- Loss of light to garden and habitable rooms.
- Loss of privacy to proposed extension from existing properties.
- Difference in land levels between properties to the north and the

site are approximately 3m leading to a greater impact upon loss of privacy, loss of light, overbearing impact and overlooking.

- Loss of trees/impact on roots and inaccuracy of plans/form not showing the trees on and surrounding the site.
- Concern that proposal would suffer from lack of light due to the close proximity of trees and inevitably lead to the occupants wanting to remove or prune the trees to increase natural light which would be detrimental to habitats of wildlife and the character of the area.
- Design of proposal does not reflect the existing character of the dwelling.
- View of St James Church from Woodvale Rise would be affected, and no heritage statement or justification has been submitted.
- Devaluation of property.

Following receipt of the amendments, further objections have been received from the 3 properties to the rear. They consider the amendments do not address their concerns and in addition they raise the following objections:-

- The line of sight drawing provided is misleading with it seemingly showing the extension in a direct line with 4 Woodvale Rise whereas a direct line would cross the garden of 4 Woodvale Rise before crossing the garden and dwelling of 3 Woodvale Rise.
- Screening of views relies upon trees not within the applicant's ownership and a summerhouse within the applicant's ownership. Concern that while these provide screening now, these screening elements cannot be relied upon in perpetuity and the neighbour could remove the trees, or the applicant the summerhouse.
- Concern that amendments now lead to a greater impact upon the bedroom window of the neighbouring property 20 St Marys Lane with a loss of daylight and views.

4.4 The Ward Councillor is aware of the application via the Weekly List.

## **5.0 RELEVANT SITE HISTORY**

5.1 No relevant planning history.

## **6.0 PLANNING POLICY**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises of the East Lindsey Local Plan (adopted 2018), including the Core Strategy and the Settlement Proposals Development Plan Document; and any made Neighbourhood Plans. The Government's National Planning Policy Framework (NPPF) is a material consideration.

### **East Lindsey Local Plan**

Strategic Policy 10 (SP10) - Design.  
Strategic Policy 11 (SP11) - Historic Environment.

## **National Planning Policy Framework**

### **7.0 OFFICER ASSESSMENT OF THE PROPOSAL**

#### **Main Planning Issues**

7.1 The main planning issues in this case are considered to be:

- **The design of the proposal and its impact upon the character of the area, heritage assets and trees.**
- **Impact upon the amenity of neighbouring properties.**

#### **The design of the proposal and its impact upon the character of the area, heritage assets and trees.**

7.2 The existing dwelling is single storey and was once a timber chalet bungalow which has been extended and bricked around. Because of this, a first floor extension over the existing bungalow is not a practical possibility, and as a consequence, has, in part resulted in the current proposal for a 1.5 storey extension. Although local concern has been raised about the extension not being in keeping with the character of the existing dwelling, the existing dwelling presents a design aesthetic that represents the various changes to the building and its evolution over time. The current proposal, although resulting in a larger scale and form of dwelling, is considered to be proportionate and subordinate in scale to the principal part of the dwelling and would not dominate the plot or significantly alter the visual dominance or appearance of the property in the streetscene. The amended drawings show a tree that would have to be removed for the proposed extension, but this is relatively small, located within the site and is considered to contribute little to the character of the wider area. There would also be an area of hedgerow/small trees removed on the western boundary between the site and 20 St Marys Lane but, again, this loss would not be unduly harmful to the character of the wider area for the same reasons as the tree. Due to the elevated position of the site, the existing mature landscaping and being set back from the road with limited public viewpoints, the proposal is not considered to have an adverse impact upon the character of the area. The proposal would therefore accord with objectives of SP10 which seeks to ensure that new development maintains the character of the districts towns.

7.3 The access to the site from St Marys Lane lies adjacent to the border of the Louth Conservation Area and concern has been raised that the proposed extension would impact public views of St James Church from along Woodvale Rise. However, in terms of the proposals impact on the Conservation Area, the site is located more than 100m away from the Conservation Area boundary, with the immediate area characterised by established dwellings set within mature landscaping allowing intervening and glimpsed views across and through the established, suburban

townscape. That 'leafy suburb' character is recognised and confirmed by reference to the Louth Conservation Area Appraisal document as is the variety of house styles and architecture in the area. The proposed development would not undermine those attributes and as a consequence not considered to have any adverse impact upon the character of the Conservation Area. In terms of the public views of St James Church from along Woodvale Rise, due to the topography of the area, Woodvale Rise sits in a recessed dip behind the raised site of this proposal with existing mature landscaping between this viewpoint and the Church. This along with the existing properties on Woodvale Rise, means that views of the Church and this proposal are minimal. Indeed, by reference to the Louth Conservation Area Appraisal document, no key views are identified for this character area of the town. It is therefore considered that the proposal would not adversely impact upon the setting of St James Church. The proposal would therefore be in accordance with SP11 of the Local Plan which seeks to ensure that the significance of heritage assets and their settings are preserved or enhanced from development.

- 7.4 Concern was raised with regard to the inaccuracy of the form and plans with regards to the trees on the site and others in close proximity to the development but not within the site. Amended plans were received to more accurately reflect the existing site and the trees and to clarify which trees are to be removed in order to accommodate the development. While concern was also raised with regard to the impact of the proposal on nearby tree roots, the majority of the trees referenced lie outside of the site to the north and have grown up from the lower land to the north. As this lower land level is approximately 3m below, the likelihood of the proposal affecting the roots of these trees is very doubtful.

#### **Impact upon the amenity of neighbouring properties.**

- 7.5 The policy position in relation to amenity considerations is contained within SP10 of the Local Plan which seeks to support development that does not unacceptably harm nearby residential amenity. Paragraph 135 of the recently updated NPPF (December 2023) seeks to ensure that development provides a high standard of amenity for existing and future users. Residential amenity considerations can apply to a wide range of impacts, including overlooking, loss of light, loss of privacy and overbearing impact, amongst other things. These concerns that have been raised by neighbours. By reference to SP10, the key consideration is in ensuring that any impact on amenity does not lead to unacceptable harm. This requires a planning judgement to be made as to whether the proposal would result in unacceptable harm and whether the high standard of amenity sought by the NPPF is achieved.
- 7.6 Currently the existing property is single storey with no upper floor windows or roof lights. The proposal would introduce a 1.5 storey element with first floor windows facing towards Woodvale Rise, predominantly towards numbers 3 and 4. This introduces a greater potential for overlooking compared with the existing dwelling form,

although the level of overlooking from the garden areas of Spire View to Woodvale Rise would remain the same. The separation distance between the proposed extension and the dwelling at 3 Woodvale Rise is approximately 28m, whereas 4 and 5 Woodvale Rise are approximately 21m and 36m respectively with the garden areas for these dwellings being closer. Such separation distances between dwellings are normally considered to satisfy and exceed accepted, reasonable distances (i.e. in the region of 20-24m) in providing an acceptable level of amenity to respective dwellings. Those distances are considered to ensure reasonable levels of privacy within dwellings and for use of external garden areas, notwithstanding that they may abut at their most remote points. For this site, however, it's elevated nature (3m above the neighbouring gardens) is a further consideration.

- 7.7 Following the original submission and the objections received, negotiations were undertaken, and the proposal was amended by setting back the extension from the northern elevation of the dwelling by 2m. It is considered that, in part, this amendment helps to address some of this concern of overlooking towards Woodvale Rise. Other options were explored such as use of a larger single storey extension or the removal of the windows on first floor of the northern elevation, but these were not considered suitable to meet the applicants needs and desires. Furthermore, as highlighted by the applicant, the existing landscaping to the north of the site, along with the existing summerhouse within the site both help to screen the extension from the properties to the north and a line of sight plan has been provided to demonstrate this. While the accuracy of this has been disputed by the objectors, it does give a good indication of the difference in site levels and how the extension would not appear so high, with a reduction in overlooking due to the raised section of garden at the north of the site.
- 7.8 Clarification was sought as to the ownership of the trees, and these were found to be within the neighbouring gardens and therefore outside of the control of the applicant. While the trees currently provide a good level of screening in the summer months, this is less so in the winter as some lose their leaves. In addition to this, there is no way of ensuring that these remain in perpetuity and as such cannot be relied upon to provide screening for the lifetime of this proposal. The summerhouse again currently provides additional screening particularly towards 4 Woodvale Rise but does little to screen views towards 3 and 5 Woodvale Rise. While this summerhouse is in the control of the applicant, it is constructed out of timber and in reality would unlikely be present for the lifetime of this proposed extension as it would need to be replaced. Consequently only limited weight can be given to the screening provided by the trees and summerhouse and it is consequently accepted that this proposal could result in some additional overlooking towards the properties on Woodvale Rise.
- 7.9 It is considered that the potential for overlooking would be most significant to 4 Woodvale Rise which is at the lower limit of (but in accordance with) the typically accepted separation distances. Although overlooking to 3 Woodvale Rise would be slightly less significant with the

greater separation distance, it isn't considered that there would be a nominal level of increased impact. However, in terms of 5 Woodvale Rise, following the setting back of the extension and combined with the separation distances, views from the first floor windows to this property and garden would be rather limited and at oblique angles. As such it is considered that there would not be a significant increase in overlooking or loss of privacy to this property. That being said, it is accepted that, in the short term, by virtue of the changes proposed, a perception of increased impact and overlooking may exist for the neighbour.

- 7.10 Loss of light has also been raised as a concern due to the increase in height of the proposal, its location to the south of the neighbouring properties and in combination with the raised site. The setting back of the proposed extension helps to alleviate this issue, however, as does the fact that the site is slightly lower than the area of garden at the northern boundary. While there may be some overshadowing to the gardens of 3 and 4 Woodvale Rise, particularly in the winter months when the sun is at its lowest, bearing in mind the existing mature landscaping appears to be maintained at a similar height, it is not considered that this would be significant. The concern raised with regards to the lack of light to the windows of the proposal from the existing trees is noted but amended siting of the proposal is considered to assist in ensuring these windows would still receive adequate daylight.
- 7.11 The amendments secured to the scheme are considered to have limited some of the original concerns but do result in a greater impact on the neighbour to the west 20 St Marys Lane. The gable end of this property contains a bedroom window and faces towards the proposed extension. The distance between 20 St Marys Lane and the application proposal is approximately 2.8m which is very close. However, that relationship would not be dissimilar to that of many side elevations between dwellings and with no direct loss of privacy resulting. The siting of the extension in such close proximity would, however, slightly alter the outlook from this bedroom window but not considered to be to the extent that it would result in an overbearing or unduly harmful or unneighbourly impact and would not significantly impact on the overall level of amenity enjoyed by that dwelling.
- 7.12 The ground floor of 20 St Marys Lane also has bedroom windows facing towards the proposal; however, it should be noted that the level of light and outlook from these windows is already limited by the close proximity to the boundary fence and the mature landscaping that runs along this boundary. Out of these bedrooms, the southernmost bedroom also has other windows providing outlook and light and the northern bedroom again has two windows with one more affected than the other. The bedroom in the middle sits almost directly central to the proposed extension. However, considering that the existing landscaping is much closer and of a similar height to the proposed extension when taking into account land levels, it is considered that the proposed extension would not have any greater impact on the amenity of these rooms than the existing arrangement.

## **8.0 CONCLUSION**

- 8.1 The proposed development is considered to be of acceptable design, commensurate with the existing dwelling and appropriate to its context. Furthermore, due to the elevated position of the site, the existing landscaping and its recessive location, with limited public viewpoints, the proposal is not considered to have any adverse impact upon the character of the immediate area or the nearby Conservation Area.
- 8.2 There would be an impact on the residential amenity of neighbouring properties, particularly 4 Woodvale Rise and 3 Woodvale Rise to a slightly lesser degree. Those amenity considerations relate to possible overlooking, loss of privacy and loss of light. However, although those impacts are acknowledged, given the separation distances between dwellings and the intervening landscaping, it is not considered that the proposal would result in any unreasonable or unduly unacceptable harm to the residential amenity of neighbouring properties.
- 8.3 The proposal is therefore considered to be in accordance with SP10 of the Local Plan and is recommended for approval.
- 8.4 This conclusion has been arrived at having taken into account all other relevant material considerations, none of which outweigh the reasons for the officer recommendation made below.

## **9.0 OFFICER RECOMMENDATION**

**RECOMMENDATION:** Approve

subject to the following conditions:

1. Full Permission  
The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.  
  
Reason: In order to comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall only be undertaken in accordance with the following approved plans;  
  
Drawing No. 52723-01 Received by the LPA on 29/09/2023.  
Drawing No. 52723-04 Rev A Received by the LPA on 23/11/2023.  
Drawing No. 52723-05 Rev A Received by the LPA on 23/11/2023.  
Drawing No. 52723-06 Rev A Received by the LPA on 23/11/2023.  
  
Reason: For the avoidance of doubt and the interests of proper planning.
- 3 The tiles, windows and doors of the development hereby permitted shall match those used in the existing dwelling.



Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set. This condition is imposed in accordance with SP10 of the East Lindsey Local Plan and paragraph 130 of the National Planning Policy Framework.

- 4 Prior to the render and cladding being applied to the exterior of the building details of the render and cladding to be used, and its finish/colour, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the agreed details.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set. This condition is imposed in accordance with SP10 of the East Lindsey Local Plan and paragraph 130 of the National Planning Policy Framework.