

## DONCASTER METROPOLITAN BOROUGH COUNCIL

### PLANNING COMMITTEE - 21st July 2020

<b>Application</b>	3.
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<b>Application Number:</b>	20/00620/FUL	<b>Application Expiry Date:</b>	5th May 2020
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<b>Application Type:</b>	Full Application
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<b>Proposal Description:</b>	Proposed two storey infill front extension and single storey rear extension
<b>At:</b>	11 Binbrook Court Bawtry Doncaster DN10 6XE

<b>For:</b>	Mr Keir Dawson
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<b>Third Party Reps:</b>	0	<b>Parish:</b>	Bawtry Town Council
		<b>Ward:</b>	Rossington And Bawtry

<b>Author of Report</b>	Bethan Gledhill
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#### SUMMARY

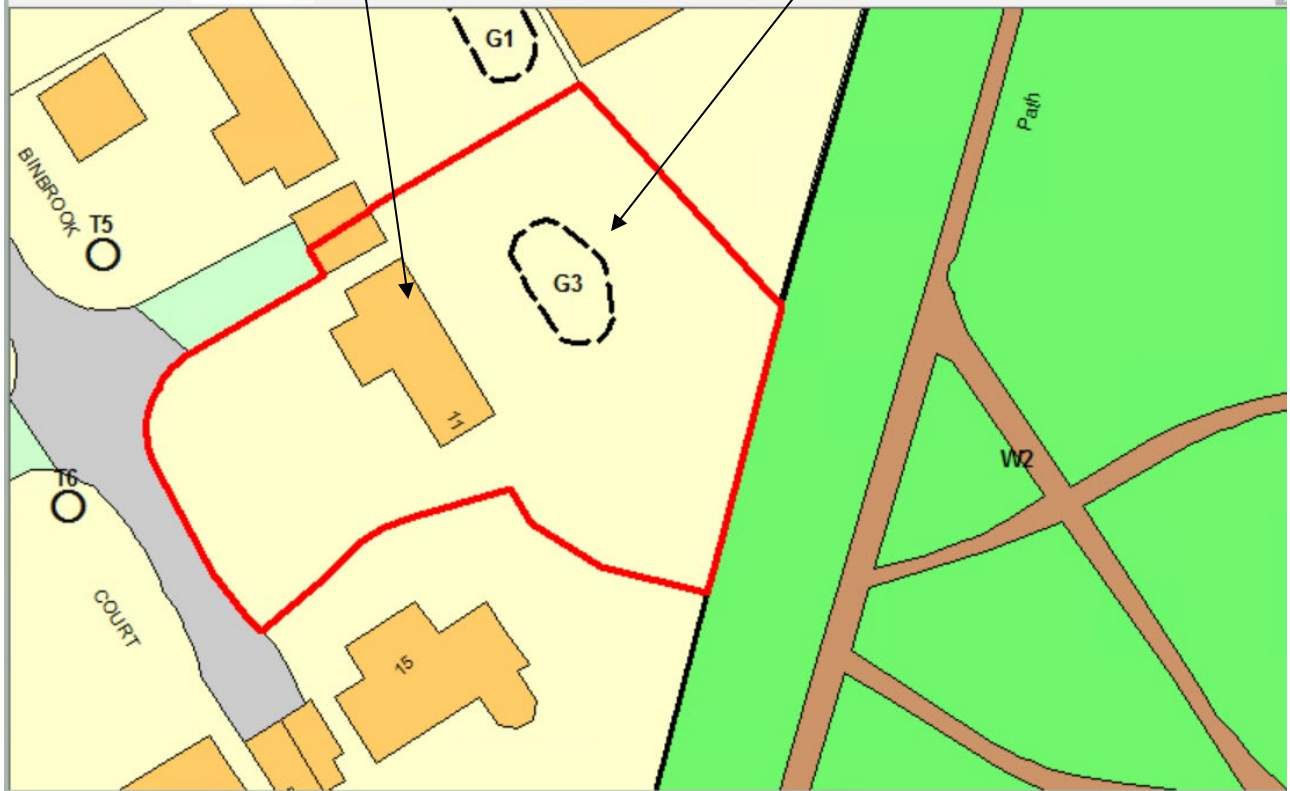
The proposal seeks permission for the erection of a two storey infill front extension and single storey rear extension. The proposal is submitted by the partner of an elected member and so is presented to Planning Committee. The proposal is considered an appropriate development. The proposal does not harm the character of the area, protected trees, highway safety or neighbouring amenity and is considered to be an acceptable and sustainable form of development in line with paragraph 7 and 8 of the National Planning Policy Framework (NPPF, 2019).

The report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal in this location.

**RECOMMENDATION: GRANT planning permission**

Application Site

Protected trees within rear garden



## **1.0 Reason for Report**

- 1.1 The application is being present to the Planning Committee because it has been submitted by the partner of an elected Member.

## **2.0 Proposal**

- 2.1 The application proposes a two storey infill front extension and single storey rear extension

## **3.0 Site Description**

- 3.1 The property is a two storey, detached house located on Binbrook Close. It is finished in a red brick and has a pitched roof. The property sits within a spacious plot and is set back from the public highway.
- 3.2 The rear garden contains two trees which are subject to G3 of Doncaster Borough Council Tree Preservation Order (No.232) 1998 West Wood Estate, Bawtry. One is a Beech tree, the other, a Lime tree.
- 3.3 Surrounding properties are similar in terms of age and design. There are examples of render within Binbrook Court

## **4.0 Relevant Planning History**

- 4.1 18/00435/TPO - Consent to fully crown reduce one Lime and one Beech by 10% with a finished height and crown spread of approximately 29m tall and a crown spread of approximately 9m, while removing deadwood and epicormic growth as needed. The trees are subject to G3 of Doncaster Borough Council Tree Preservation Order (No.232) 1998 West Wood Estate, Bawtry. - Application Granted on 14.05.2018.

## **5.0 Site Allocation**

- 5.1 The site is designated as Residential Policy Area, as defined by the Proposals Maps of the Doncaster Unitary Development Plan (adopted in 1998). This is not in a high risk flood zone.

### **5.2 National Planning Policy Framework (NPPF 2019)**

- 5.3 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 Paragraph 47 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.5 Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

5.6 Paragraphs 54 - 56 state local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The tests are:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

5.7 Paragraph 117 states that planning decisions should promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions.

5.8 Paragraph 127 states that good design criteria should ensure that developments function well and add to the overall quality of the area, are sympathetic to local character and history and 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.

## **5.9 Core Strategy 2011 - 2028**

5.10 In May of 2012 the Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan; some UDP policies remain in force (for example those relating to the Countryside Policy Area) and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. Core Strategy policies relevant to this proposal are:

5.11 Policy CS1 of the Core Strategy states that as a means of securing and improving economic prosperity, enhancing the quality of place and the quality of life in Doncaster, proposals will be supported that contribute to the Core Strategy objectives and which in particular provide opportunities for people to get jobs and protect local amenity and are well designed.

5.12 Policy CS14 relates to design and sustainable construction and states that all proposals in Doncaster must be of high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and building traditions, responds positively to existing site features and integrates well with its immediate and surrounding local area.

5.13 Policy CS16 relates to the natural environment and states that proposals will be supported which enhance the borough's landscape and trees by retaining and protecting appropriate trees and hedgerows, and incorporating new tree, woodland and hedgerow planting.

#### **5.14 Saved Unitary Development Plan (UDP) Policies (Adopted 1998)**

5.15 Policy ENV54 states that alterations and extensions to existing buildings should be sympathetic in scale, materials, layout and general design to the existing building. All features which contribute to the character of the building or surrounding area should be retained.

5.16 Policy ENV59 states that in considering proposals for new development the Borough Council will attach considerable importance to the need to protect existing trees, hedgerows, wetland habitats, watercourses and other natural landscape features and will require that new developments do not cause unnecessary loss of trees, nor imperil trees by building works.

#### **5.17 The Bawtry Neighbourhood Development Plan (adopted November 2019)**

5.18 Policy NE1 - Protecting Local Landscape Character, states that mature trees on sites should be protected.

#### **5.19 Local Plan**

5.20 Paragraph 48 of the NPPF allows LPA's to give weight to relevant policies in emerging plans depending on the stage of preparation, the extent to which there are any unresolved issues and the degree of consistency with the NPPF. The Local Plan has been formally submitted for examination on 4th March 2020 and an Inspector has been appointed therefore the Local Plan is now under examination. Paragraph 48 of the NPPF states that the LA may give weight depending on the stage of the Local Plan and the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). The Council is aiming to adopt the Local Plan by winter 2020 and the following policies would be appropriate

5.21 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development. Significant weight can be attached to this Policy.

5.22 Policy 33 deals with Woodland, Trees and Hedgerows. Significant weight can be attached to this Policy.

5.23 Policy 42 deals with Character and Local Distinctiveness (Strategic Policy). Significant weight can be attached to this Policy.

#### **5.24 Other material planning considerations:**

- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- South Yorkshire Residential Design Guide (SPD) (2015)

### **6.0 Representations**

6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of neighbour notification, and being published on the Council's website.

6.2 No third party representations have been received.

## **7.0 Parish Council**

7.1 No comments have been received from the Parish Council towards this proposal

## **8.0 Relevant Consultations**

8.1 Tree Officer - No arboricultural objections following receipt of foundation plan, conditions recommended

8.2 National Grid - Informative

8.3 Severn Trent Water - No comments received

## **9.0 Assessment**

9.1 The principle issues for consideration under this application are as follows:

- The effect of development on the amenity of existing residents, and future residents;
- Impact on the character and appearance of the area
- Trees and Landscaping
- Highway safety and traffic
- Overall planning balance

9.2 For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

## **9.3 Sustainability**

9.4 The National Planning Policy Framework (NPPF 2019) sets out at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs

9.5 There are three strands to sustainability, social, environmental and economic. Para.10 of the NPPF states that in order sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

## **9.6 SOCIAL SUSTAINABILITY**

## 9.7 **Impact on Residential Amenity**

9.8 It is not considered that the proposed development would result in harm being caused to residential amenity through overlooking or overshadowing given the separation distance between the property and its neighbours.

9.9 Whilst there are two windows to be installed at first floor level on the north-western elevation of the front extension, they are to serve en-suites. En-suites are not considered to be high occupancy spaces. Thus, it is not felt that they would introduce an unacceptable level of overlooking.

9.10 The proposed rear extension is to have three windows on the rear elevation, and one window on the south-eastern elevation. Given that they are ground floor windows, it is not felt that they would cause overlooking.

## 9.11 **Conclusion on Social Impacts**

9.12 In conclusion, it is not considered that residential amenity will be adversely affected by the proposal in accordance with policy CS14. The site lies within a sustainable location. It is therefore felt that the proposal will not harmfully affect amenity which carries significant weight. The short term noise and disturbance associated with implementing the planning permission is considered to carry little weight against the proposal.

## 9.13 **ENVIRONMENTAL SUSTAINABILITY**

### 9.14 **Impact upon the character of the area**

9.15 Given the modest scale of the proposed front extension and the fact that the property is set well back from the highway, it is not considered that harm would be caused to the visual amenity of the area. In addition, its roof is to be hipped to match that of the host property.

9.16 Render is to be introduced to part of the front elevation of the property. Whilst the prevailing finishing material is red brick, there are elements of render within the street scene. Therefore, it is not considered that the use of render here, would appear incongruous.

9.17 Timber cladding is to be used in the finish of the proposed rear extension. This is considered to be acceptable as it references the Sylvan context of the trees in the garden, and the woodland to the east.

9.18 The rear extension would not cause harm to the visual amenity of the area. Whilst it is to have a flat roof, it would be modern in appearance (see proposed rear elevation in Appendix 1). It would not be visible from the public highway, and therefore, would not cause harm to the character of Binbrook Court.

### 9.19 **Impact upon Protected Trees**

9.20 The rear garden contains trees that are protected by a tree preservation order. When the application was first submitted, concern was raised about the impact that the proposed rear extension would have on the Beech and Lime trees. This was because the footprint of the single storey rear extension and the patio would

encroach into the Root Protection Area (RPA) of the trees and the lower branch tips of the canopies.

9.21 The main concern from trees and hedgerows perspective is how the extension could change the relationship of the property to the trees when perceived by residents in the future. Although anecdotal, the existing site position could cause apprehension to some occupiers and the proposal, as submitted, would stand to increase this potential with the result being pressure to prune or for the removal of the trees.

9.23 A plan was submitted showing a proposed foundation layout that would preserve the existing tree root systems. The Trees and Hedgerows Officer deemed the plan acceptable. There are now no objections on arboricultural grounds subject to suitably worded conditions.

#### **9.24 Impact upon Highway Safety**

9.25 'Quality, stability, safety and security of private property, public areas and the highway' and 'permeability - ease of pedestrian movement with good access to local facilities and public transport services' are listed as qualities of a successful place within policy CS 14 (A). The NPPF in para 109 states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on road safety, or the residual cumulative impacts on the road network would be severe'.

9.26 Highways and parking remain unaffected by the proposal. Therefore, there are no highway safety concerns

#### **9.27 Conclusion on Environmental Issues**

9.28 Para.8 of the NPPF (2019) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

9.29 In conclusion of the environmental issues, it is considered that the proposal does not harm the character of the area, highway safety or trees. As such, significant weight can be attached to this in favour of the development.

#### **9.30 ECONOMIC SUSTAINABILITY**

9.31 It is anticipated that there would be some short term economic benefit to the development of the site through employment of construction workers and tradesmen connected with the build of the project however this is restricted to a short period of time and therefore carries limited weight in favour of the application.

#### **9.32 Conclusion on Economy Issues**

9.33 Para 8 a) of the NPPF (2019) sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at



the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

9.34 The economic benefit of the proposal is slight and afforded only limited weight.

## **10.0 PLANNING BALANCE & CONCLUSION**

10.1 In accordance with Paragraph 11 of the NPPF (2019) the proposal is considered in the context of the presumption in favour of sustainable development. There would be no harmful impact upon residential amenity. The proposal does not harm the visual amenity of the area or cause amenity or tree concerns. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the Framework taken as a whole. The proposal is compliant with the development plan and there are no material considerations which indicate the application should be refused.

## **11.0 RECOMMENDATION**

11.1 To GRANT planning permission subject to the following conditions

01. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

### **REASON**

Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.

02. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:

190719 06 B - Proposed Elevations

190719 05 B - Proposed Floor Plans

190719 02 B - Proposed Site Plan

### **REASON**

To ensure that the development is carried out in accordance with the application as approved.

03. The erection of fencing and temporary ground protection for the protection of the retained trees shall be undertaken in accordance with the approved plans and particulars (Tree Constraints Plan Map dated 02/03/2020 and Phase plan within Arboricultural Method Statement Tree Survey 0195 dated 02/03/2020) before any equipment, machinery or materials have been brought on to site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

**REASON:** To ensure that all trees are protected from damage during construction.

04. Tree surgery work shall be carried out in accordance with the approved plans and particulars (Arboricultural Method Statement Tree Survey 0195 dated 02/03/2020 section 4.1). Best arboricultural practice shall be employed in all work, which shall comply with British Standards Specification No.3998 2010 Tree works recommendations and unless otherwise agreed with the District Planning Authority shall be completed before the development commences.

REASON: To ensure that the work is carried out to the appropriate high standard

05. Prior to commencement of the development hereby granted a system of foundation design and installation of the single storey rear extension shall be submitted to and approved in writing by the Local Planning Authority. The system shall aim to minimise ground disturbance within the Root Protection Area of the Lime and Beech tree (T332 and T333 in the submitted survey). Installation of the foundation on site shall be in full accordance with the approved scheme.

REASON

To minimise the likelihood of damage to the root system of the Beech and Lime tree and to safeguard against the possibility of damage to the single story rear extension by the root action of the tree.

01.

INFORMATIVE

Doncaster Borough Council Tree Preservation Order (No.232) 1998 West Wood Estate, Bawtry

The Beech and Lime tree to the rear of the application site is subject to G3 Doncaster Borough Council Tree Preservation Order (No.232) 1998 West Wood Estate, Bawtry. It is a criminal offence to wilfully damage a tree subject to a Tree Preservation Order. Failure to implement the above Planning Conditions which seek to protect the tree will be deemed to constitute wilful damage and may result in criminal proceedings being instigated by the council. Preventing damage to the trees is in the interests of tree health and also in the interests of safety of persons and property

02.

INFORMATIVE

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

This Standing Advice is valid from 1st January 2019 until 31st December 2020

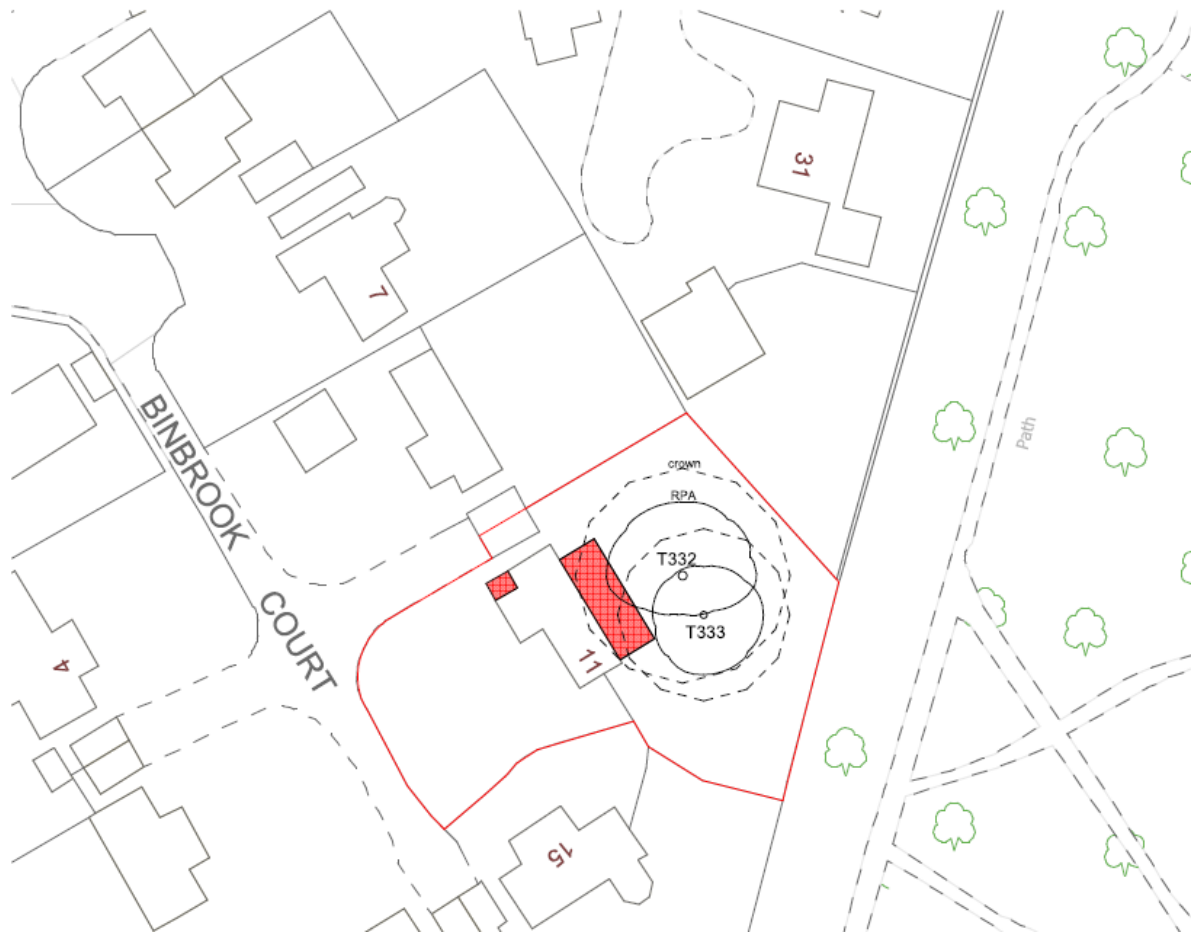
**Reasons(s) for Granting Planning Permission:**

**STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015**

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

Concern was raised as regards the impact that the proposed rear extension would have upon the two protected trees within the rear garden. To this end, a plan was submitted showing a proposed foundation layout which would preserve the existing tree root systems.

# APPENDIX 1 – Site Plan



**APPENDIX 2 - Proposed front and rear elevations**



E-01

Proposed Front elevation

1:100



E-03

Proposed Rear Elevation

1:100