

<b>Application</b>	<b>5.</b>
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<b>Application Number:</b>	20/02761/FUL
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<b>Application Type:</b>	Full Application
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<b>Proposal Description:</b>	Erection of 2-storey rear extension and creation of dressing room in the loft space, and erection of detached garage/workshop following demolition of existing garage with laurel hedge around the boundary and gates to the front and the addition of a detached outbuilding to the rear. (Without compliance of condition 2 of Application Reference Number: 20/00949/FUL granted on 01/07/2020) RETROSPECTIVE
<b>At:</b>	17 Westwood Road, Bawtry, Doncaster, DN10 6XB

<b>For:</b>	Mr Tom Lewis
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<b>Third Party Reps:</b>	14 letters of representation in opposition.	<b>Parish:</b>	Bawtry Town Council
		<b>Ward:</b>	Rossington and Bawtry

<b>Author of Report:</b>	Rebecca Larder
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## SUMMARY

The application seeks retrospective permission to vary the previously approved plans for the erection of a detached garage/workshop to the side of the dwelling, a two-storey rear extension to the host dwelling and detached outbuilding to the rear of the garden. The application is retrospective. Amendments have been made to the proposal and it is now considered an appropriate form of development. The proposal does not harm the character of the area or neighbouring amenity and is considered to be an acceptable and sustainable form of development in like with paragraph 7 and 8 of the National Planning Policy Framework (NPPF, 2019).

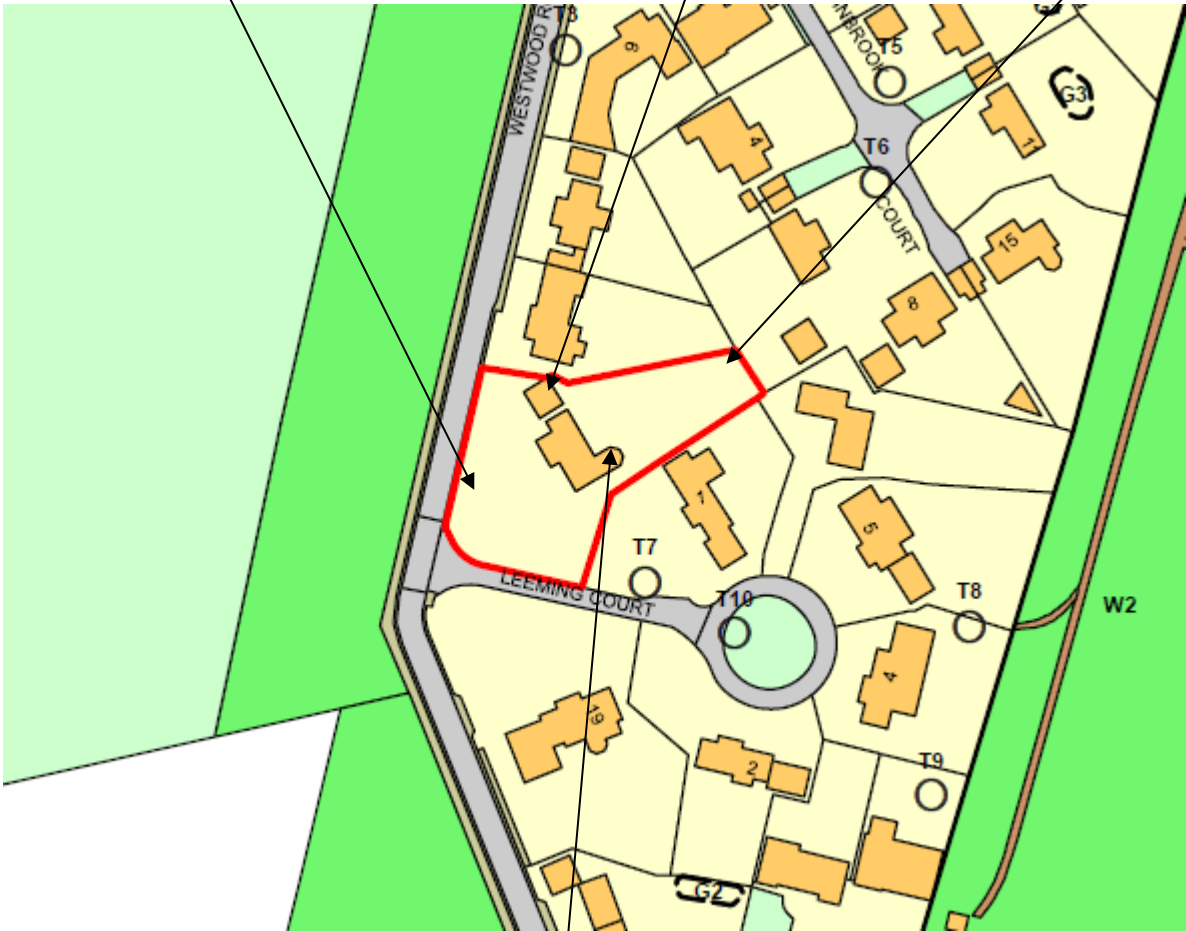
This report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal. The development would not cause undue harm to neighbouring properties or the wider character of the area.

**RECOMMENDATION: GRANT planning permission**

Application Site

Replacement garage on this part of the site

Outbuilding on this part of the site



Two storey rear extension on this part of the site

## 1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee as a result of the level of public interest in this application.
- 1.2 This current application has been amended in order to overcome the reasons for refusal. The amendments include a reduction in height and the removal of the first floor from the outbuilding in the rear garden that has been built not in accordance with the plans approved under application 20/00949/FUL.

## 2.0 Proposal

- 2.1 The application seeks permission to vary the previously approved plans. These variations include an additional roller shutter door and air conditioning unit to the rear elevation of the garage/workshop, an infilled window feature to the side elevation of the two-storey rear extension, a reduced kitchen window and an altered design to the outbuilding at the rear as well as the installation of a flue and air conditioning unit. This application is retrospective and some of these amendments have already been built not in accordance with the previously approved plans.

## 3.0 Site Description

- 3.1 The property is two storey detached house on the corner of Westwood Road and Leeming Court. The house is constructed of a red brick with plain concrete tiles white UPVC windows and doors. The property sits on a generous plot and is set back from the highway. There is a driveway and grassed area to the front and a large grassed area to the rear, which is bound by a wooden fence.
- 3.2 The site is constrained by trees, although these trees are not protected they were of significant interest to the Tree Officer. During the previous application, the applicant worked with the Tree Officer to overcome the issues and agreed a tree protection plan and replacement planting scheme, which was conditioned as part of the previous application.

## 4.0 Relevant Planning History

- 4.1 Application site:

Application Reference	Proposal	Decision
20/00949/FUL	Erection of 2 storey rear extension and creation of dressing room in the loft space, and erection of detached garage/workshop following demolition of existing garage with laurel hedge around the boundary and gates to the front and the addition of a detached outbuilding to the rear.	Granted 01.07.2020

## 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 being allocated as Flood Risk Zone 1 (FZ 1)
- 5.2 National Planning Policy Framework (NPPF 2019)
- 5.3 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.
- 5.5 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
- 5.6 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).
- 5.7 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 terms;
  - b) Directly related to the development; and
  - c) Fairly and reasonably related in scale and kind to the development.
- 5.8 Paragraph 117 states planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

- 5.9 Paragraph 124 of the NPPF states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
- 5.10 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 occupiers. Planning decisions should ensure are visually attractive and optimise the potential of the site.
- 5.11 Core Strategy 2011 - 2028
- 5.12 To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 (as amended) and section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended).
- 5.13 In May of 2012 the Local Development Framework Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan (UDP); some UDP policies remain in force (for example those relating to the non-residential use in a Residential 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:
- 5.14 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, protect local amenity and are well designed.
- 5.15 Policy CS14 of the Core Strategy require development to be of a high quality design that contributes to local distinctiveness and that integrates well with its immediate surroundings.
- 5.16 Policy CS16 of the Core Strategy states that Doncaster's natural environment will be protected and enhanced.
- 5.17 Saved Unitary Development Plan (UDP) Policies (Adopted 1998)
- 5.18 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.
- 5.19 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.

## 5.20 Local Plan

5.21 The Local Plan has been formally submitted for examination on 4th March and an Inspector has been appointed therefore the Local Plan is now under examination. Paragraph 48 of the NPPF states that the LPA 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). When the local plan was published under Regulation 19 in August 2019, all of the policies were identified as carrying 'limited weight' for the purposes of determining planning applications. Taking into account the remaining stages of the local plan process, it is considered the following levels of weight are appropriate between now and adoption dependant on the level of unresolved objections:

- Substantial
- Moderate
- Limited

5.22 The Council sent out the notice of examination (regulation 24 stage) in August 2020 and the Local Plan is currently in examination, aiming to adopt as soon as practicable once the Inspectors report is published. The following policies are considered appropriate in assessing this proposal and consideration has been given to the level of outstanding objections resulting in appropriate weight attributed to each policy:

5.23 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development. This policy is afforded limited weight as there are outstanding unresolved objections.

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

5.25 Policy 42 (Character and Local Distinctiveness) is afforded limited weight. This policy states that development proposals will be supported where they:

1. recognise and reinforce the character of local landscapes and building traditions;
2. are of a high quality design that contributes to local distinctiveness;
3. respond positively to their context, setting and existing site features, respecting and enhancing the character of the locality; and
4. integrate visually and functionally with the immediate and surrounding area at a settlement, neighbourhood, street and plot scale.

In all cases, applications and design proposals will need to demonstrate an understanding of the context, history, character and appearance of the site, adjacent neighbourhood and the wider area, to inform the appropriate design approach.

5.26 Policy 45 (Residential Design) has moderate weight in decision-making. New housing, extensions, alterations and changes of use to housing will be supported where they respond positively to the context and character of existing areas (refer to Policy 42), or the host property, and create high quality residential environments through good design. Developments must protect existing amenity and not significantly impact on the living conditions or privacy of neighbours or the host property (including their private gardens), be over-bearing, or result in an unacceptable loss of garden space.

5.27 Policy 55 requires the need to take into account air and noise pollution. This policy is considered to carry limited weight at this time.

5.28 The Bawtry Neighbourhood Development Plan (adopted November 2019)

5.29 Policy NE1 relates to protecting local landscape and character and states that mature trees on sites should be protected.

5.30 Other material planning considerations

- Development Requirements and Guidance Supplementary Planning Document (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 (as amended) by means of site notice, council website, press advertisement and neighbour notification.

6.2 14 public representations were received in the first instance, following amendments and further consultation another 8 representations were received in opposition to the application.

6.3 The letters of objection are in regard to the following summarised points:

- The overall size and scale of the outbuilding
- Discrepancies between the measurements on the previous and current plans
- Overlooking/loss of privacy
- Size and visual appearance of the flue
- Noise and pollution from the flue and air conditioning unit.

## **7.0 Parish Council**

7.1 No comments have been received from the Parish Council in relation to this application.

## **8.0 Relevant Consultations**

8.1 **Tree Officer** – No objections to the resubmitted scheme.

8.2 **Environmental Health** – No objections to the flue or air conditioning units.

## **9.0 Assessment**

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

- Principle of development;
- Impact on neighbouring amenity of existing and future residents;
- Impact on the character and appearance of the area;
- Trees and Landscaping;
- 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. Paragraph 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 Neighbouring Amenity**

9.8 The principle of the development has previously been approved under application 20/00949/FUL granted on 01/07/20. This application seeks permission for amendments to the previously approved development.

9.9 Policy CS 14 (A) of the Core Strategy states that 'new development should have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment' and paragraph 127 (f) of the National Planning Policy Framework states that planning decision should create places that have a high standards of amenity for existing and future users .



## **Outbuilding**

- 9.10 Much as objections have been raised, it is not considered that the proposed outbuilding as amended would result in harm being caused to the residential amenity through overlooking or overshadowing. The height of the outbuilding has been reduced by 0.95m and now has an overall height of 4.43m. The reduction has lessened the massing in the roof and mitigated potential overshadowing. The outbuilding is located to the very rear of the garden and similarly is towards the bottom of the neighbouring gardens and therefore any overshadowing that may occur is not likely to impact the most usable garden space of neighbouring properties. The outbuilding lies adjacent to No15s summerhouse and to the rear is the garage of 6 Binbrook Court therefore any overshadowing that may occur would not be over main circulation areas and would not be harmful to the amenity of neighbours therefore complies with Policy CS14.
- 9.11 The first floor and staircase have been removed from the plans and the height of the outbuilding has been reduced, by in effect removing the apex of the roof (see appendix 2). The circular window in the gable end is to be covered with a wooden louvre and it is not possible to look out of the remaining roof light as it is set too high in the roof slope. The footprint and position of the ground floor windows remain the same as that previously approved under application 20/00949/FUL. The top of the ground floor windows sits 2.1m above ground level and there is a fence of similar height between the site and surrounding properties thus unlikely harmful overlooking would occur.
- 9.12 The previously approved plans shows a height of 4.28m however, this was measured from the finished floor level rather than the ground level. Had the proposal been built in accordance with the plans it would have been built at 4.43m due to 0.15m distance between the ground and floor level. The new proposal has been amended to reflect the true measurements and although a different design it has been reduced to the same height as the previously approved plan.
- 9.13 Doncaster's Supplementary Planning Document (SPD) makes clear that development of this nature should be of a scale and proportion that is subservient to the host dwelling, in relation to the height, massing, roof pitch, and remaining curtilage space. The reduced height does not compete with the host dwelling and appears subservient to it. The proposal is set within a large plot; the proposal preserves adequate private amenity space and does not dominate the rear garden therefore is complainant with the SPD and policy CS14.
- 9.14 It is therefore considered the application is in accordance with Policy CS1 and CS14 thus carries significant weight.

## **Two storey rear extension**

- 9.15 The principle of the development has been established under the previous application, 20/00949/FUL. There is an additional infilled window feature to be added to the side elevation. This will be blocked up with brickwork and would not cause any overlooking. The kitchen window has also been reduced in size however, the positioning remains the same thus there will be no additional impact.

There are no neighbour objections relating to the rear extension.

## **Garage/Workshop**

- 9.16 The principle of the development has been established under the previous application, 20/00949/FUL. The amendments sought are the addition of an air conditioning unit and the change of the rear door to a roller shutter door. Neither amendments would have any impact on neighbouring amenity by virtue of overlooking or overshadowing.

There are no neighbour objections relating to garage.

## **9.17 Conclusion on Social Impacts**

- 9.18 The proposed development as amended would not detract from the residential amenity of neighbouring properties and would not significantly detract from the social sustainability of the locality. Although the application has received a number of neighbour representations, the concerns raised are considered to be satisfied and addressed by the amended proposal. Thus the proposal weighs positively in terms of the social impact and carries significant weight.

## **9.19 ENVIRONMENTAL SUSTAINABILITY**

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

#### **Outbuilding**

- 9.21 Given the positioning of the outbuilding to the very rear of the garden it will predominantly be out of public view and have minimal impact on the character of the area. There is a partial view of the outbuilding from Leeming Court (see appendix 3) however once the roof has been lowered and the two velux windows have been removed, in accordance with the amended plans, the views will be minimal and less impactful on the character of the area and complies with policy CS14.
- 9.22 The external flue is approximately 3.5m tall, it sits on the north side of the outbuilding and is predominantly screened from the street scene by the roof of the building. The top of the flue sits 0.4m above the proposed ridge of the outbuilding and is partially screened by existing trees/shrubs which minimises the visual appearance and does not have a harmful impact on the character of the area.

#### **Two storey rear extension**

- 9.23 The amendments made to the two-storey rear extension have no impact upon the character of the area.

#### **Garage/Workshop**

- 9.24 The amendments made to the garage are to the rear elevation and cannot be seen from the street scene thus have a minimal impact on the character of the area.

### 9.25. Impact on Trees

9.26 The Tree Officer has no objections to the application as the proposal has already been built and the previously agreed tree protection measures implemented. The changes proposed here are not a threat to the trees.

### 9.27 Pollution and Noise issues

9.28 Several concerns have been raised in relation to pollution from the log burner/flue and noise from the air conditioning unit. Environmental Health have been consulted on the application and have reviewed the specifications for both the flu and air conditioning unit. They raised no concerns in relation to the log burner, it is on the exempted appliances list meaning it can be used for burning logs in a smoked controlled area – (much as it must comply with relevant legislation) The whole of the borough has been smoke controlled since April 1994.

9.29 Given the use of the garage and outbuilding, it is likely that the air conditioning units will only be used during the day. Environmental health have raised no objections to the proposal on this basis and have no concerns regarding noise pollution.

### **9.30 Conclusion on Environmental Issues**

9.31 In summary, it is not considered the proposal would significantly harm the character of the area therefore and that the environmental impact of the proposed development is acceptable.

### **9.32 ECONOMIC SUSTAINABILITY**

9.33 This application is a householder application for a minor development whilst providing employment for a number of people during the period of the works this is the extent of its economic impact.

## **10.0 PLANNING BALANCE & CONCLUSION**

10.1 In accordance with Paragraph 11 of the NPPF the proposal is considered in the context of the presumption in favour of sustainable development. 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 NPPF taken as a whole. Subject to the recommended conditions, 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 MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO THE CONDITIONS BELOW:**

## **Conditions / Reasons**

01. Within 6 months of the date of decision works shall be undertaken to ensure that the development is in accordance with the amended plans dated 7.12.20 hereby approved unless otherwise agreed in writing by the Local Planning Authority. .  
REASON  
To ensure that the development is carried out in accordance with the application as approved.

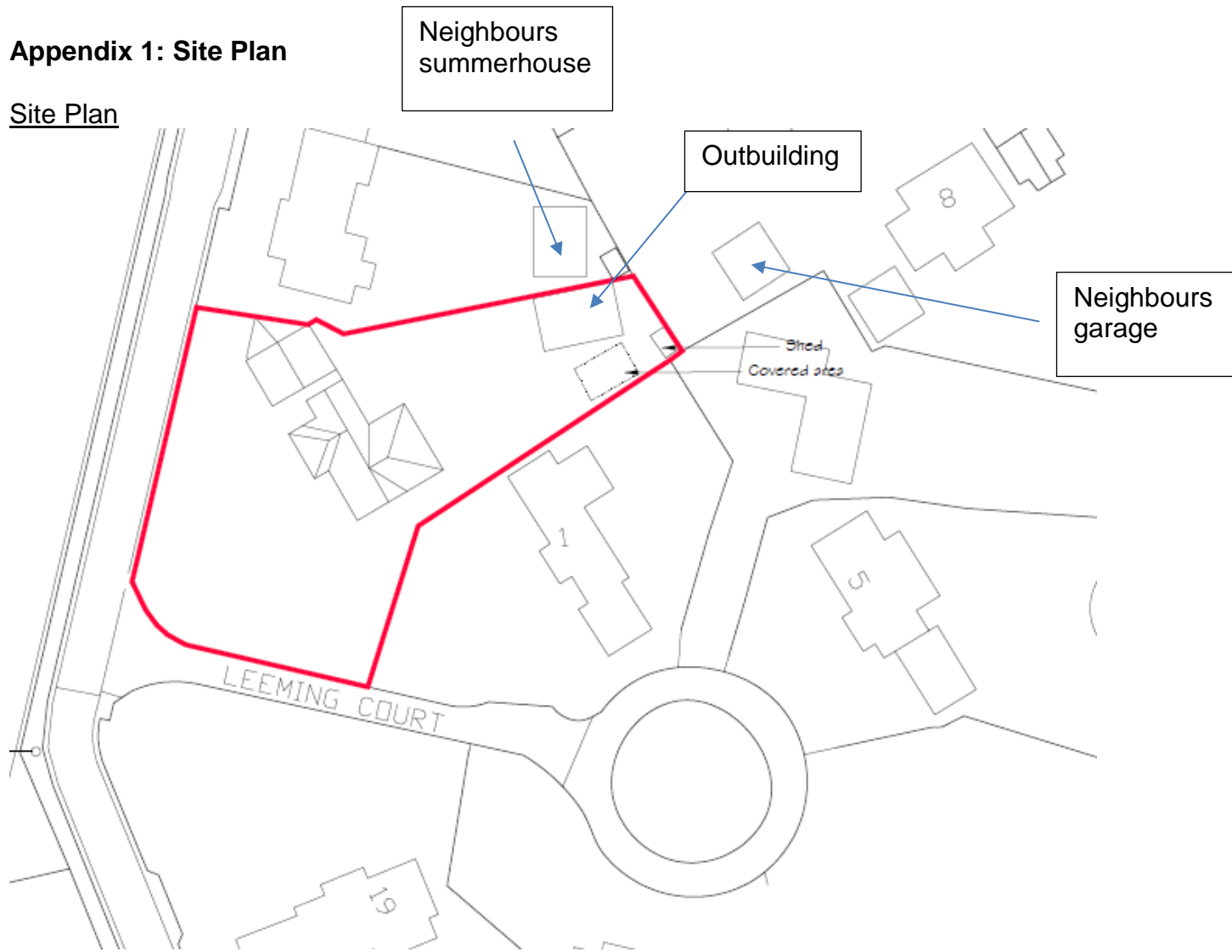
## **INFORMATIVES**

01. The developer's attention is drawn to the information provided by the relevant Gas Operator. The information may be found by viewing the consultation reply from the Gas Operator which is attached to the planning application on the Council's website. Please use the following link  
[www.doncaster.gov.uk/planningapplicationsonline](http://www.doncaster.gov.uk/planningapplicationsonline)

**The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.**

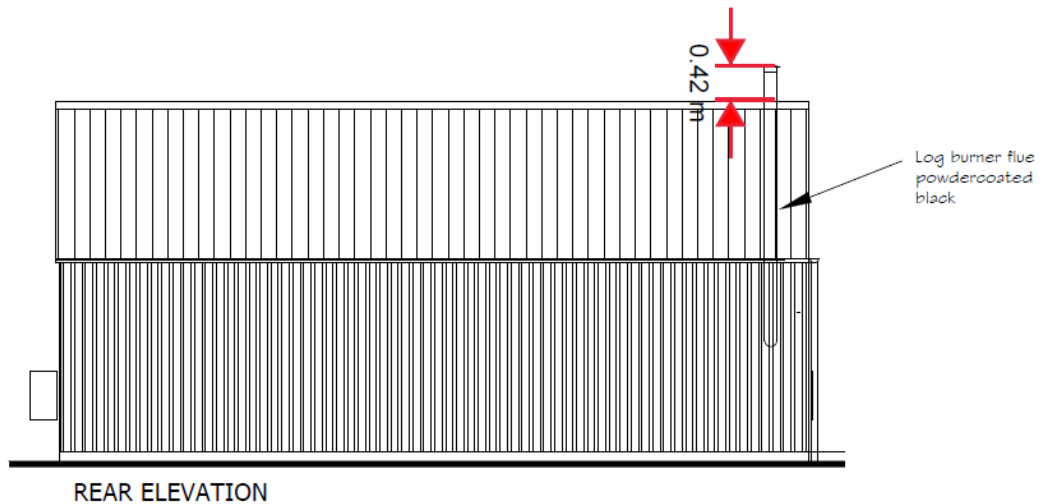
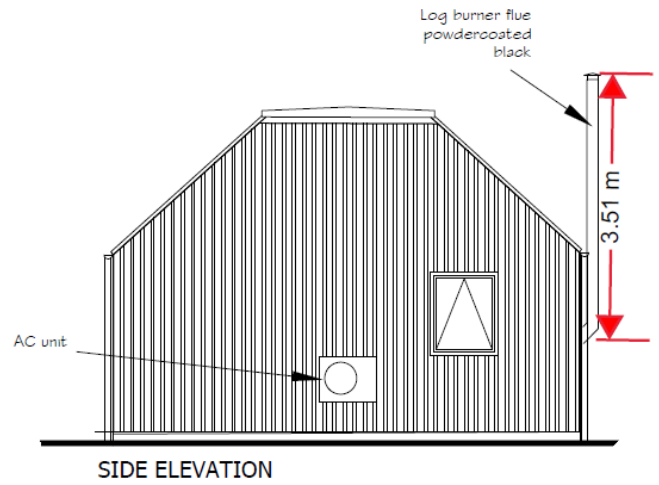
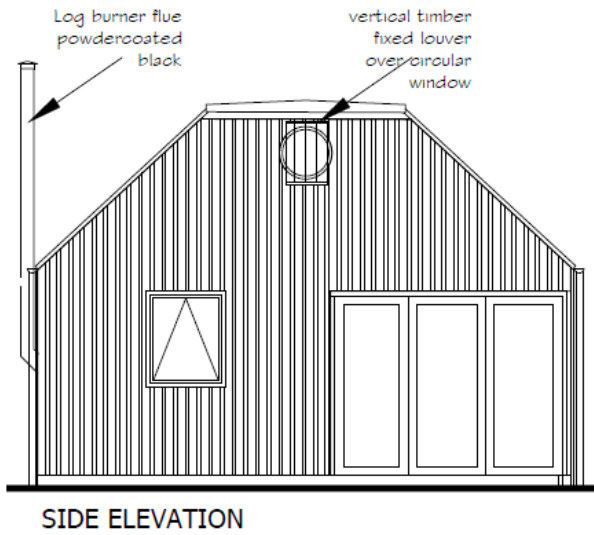
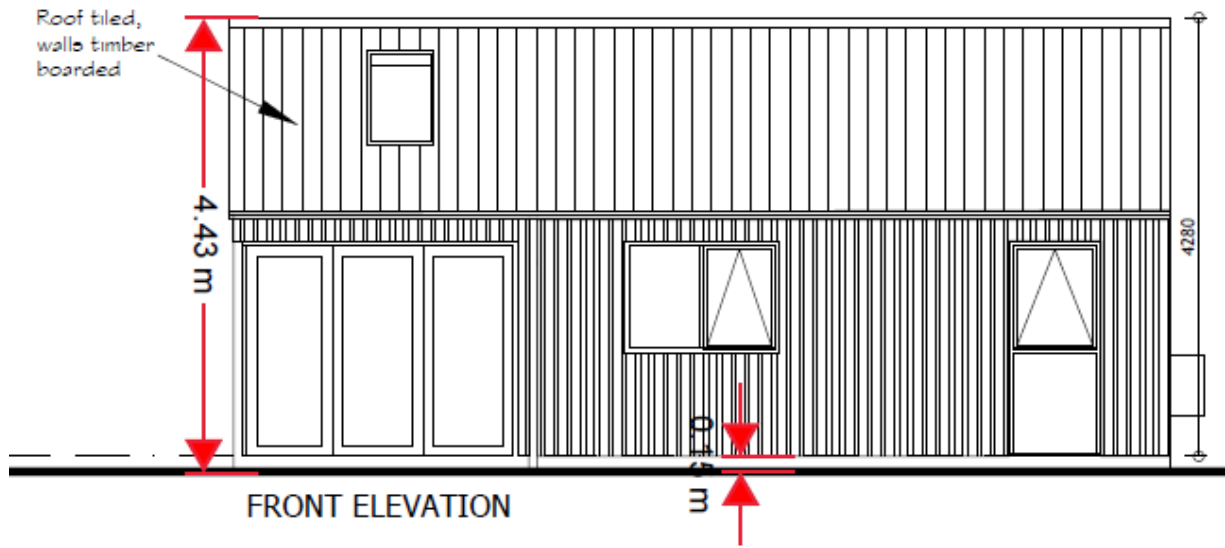
# Appendix 1: Site Plan

## Site Plan



# APPENDIX 2: Elevation Plans

## Proposed Elevations



**APPENDIX 3: View from Leeming Court**

Outbuilding



Outbuilding

