



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

## Planning Committee

19 August 2020



### S20/0534

Proposal: Erection of single storey side and rear extension (part retrospective) (Revised scheme of S19/1734 & S19/2242)

Location: 78 Denton Avenue, Grantham, NG31 7JH

Applicant: Mr J Askham, 78 Denton Avenue, Grantham, NG31 7JH

Agent: Mr Mike Sibthorp, Mike Sibthorp Planning, Logan House, Lime Grove, Grantham, NG31 9JD

Application Type: Householder

Reason for Referral to Committee: Request by Cllr Adam Stokes as previous application determined by Planning Committee. Previous application called in on the grounds of dominant and oppressive environment created by the proposal

Key Issues: Impact on neighbouring residential amenity

Technical Documents: Planning Statement

#### Report Author

Chris Brown, Principal Planning Officer



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**Corporate Priority:**

**Growth**

**Decision type:**

**Regulatory**

**Wards:**

**Grantham Springfield**

**Reviewed by:**

William Richards, Interim Head of Development Management

1 August 2020

#### Recommendation (s) to the decision maker (s)

That the application is refused

S20/0534 78 Denton Avenue, Grantham, NG31 7JH



Grantham The  
Walton Girls  
High School  
(secondary)

Tennis Courts

Tennis Courts

Key



Application  
Boundary



## 1 Description of Site

- 1.1 The host dwelling is a small detached bungalow sited on the north side of Denton Avenue, Grantham. Land levels fall within the back garden from the bungalow towards the rear boundary. The extension, steps and decking that are the subject of this application have all been constructed.

## 2 Description of proposal

- 2.1 This is a revised application for retrospective planning permission for the erection of a single storey side and rear extension to the property. Two previous planning applications, reference S19/1734 and S19/2242, were refused by Planning Committee and dated 11 December 2019 and 13 March 2020. The applicant has submitted an appeal in respect of the second refusal (S19/2242) that is currently pending.
- 2.2 The extension has a flat roof and measures approximately 8.9m wide with rear projection of approximately 7.2m and includes a small side extension to the east of the bungalow. At the rear end of the extension, the eaves height measures approximately 3.5m from ground level.
- 2.3 The extension stands 660mm off the common side boundary with 80 Denton Avenue and is built abutting the rear boundaries of 44 and 46 Hunt Lea Avenue. The rear portion of the extension is raised above the adjacent ground level.
- 2.4 The revised scheme is identical to the scheme refused in December 2019 and March 2020 with the exception of the use of brown/mushroom coloured render to the side elevations (proposed amendment ahead of the second application S19/2242) and with this application proposing to add a pitched roof to part of the side elevation of the existing extension.
- 2.5 The proposed pitched roof will be to the side elevation, facing no. 44 Hunt Lea Avenue, and will be approx. 7.2m in length and a drop of approx. 0.60m in height from the existing flat roof. The proposed pitched roof is to use matching roof tiles and also includes a reduction in the width of the existing rear lounge window.

## 3 Relevant History

Reference	Proposal	Decision	Date
S19/1734	Single storey rear and side extension	Refused	12/12/2019
S19/2242	Retention of single storey side and rear extension	Refused	13/03/2020

## 4 Policy Considerations

- 4.1 **SKDC Local Plan 2011 - 2036**  
Policy DE1 - Promoting Good Quality Design
- 4.2 **National Planning Policy Framework (NPPF)**  
Section 12 - Achieving well-designed places

## **5 Representations Received**

### **5.1 LCC Highways & SuDS Support**

5.1.1 Does not wish to restrict the grant of permission. Proposed informative.

### **5.2 Planning Enforcement (SKDC)**

5.2.1 No comments received. Previous comments for application S19/2242:

5.2.2 This application is the second of two retrospective applications seeking to retain the extension to the property. I note that the application is to be recommended to be refused at Committee. The planning enforcement team will pursue formal enforcement action if the application is refused, in accordance with the Council's scheme of delegation.

5.2.3 Officer comment: An enforcement notice reference ENF19/0150-1 has been served on the site and an appeal has been lodged against this enforcement notice. The appeal is being considered alongside the appeal of refusal S19/2242.

## **6 Representations as a Result of Publicity**

6.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and 2 letters of objection have been received. The objections raised can be summarised as follows:

- 1) The sloping roof does not extend the length of the extension;
- 2) Guttering and barge boards not shown;
- 3) Boundary line incorrect

6.2 The concerns about encroachment arise from the erection of a fence on a section of the common boundary. The extension is built up to this fence, but does not encroach beyond it, and any disagreement about the property boundary is a civil matter. Planning decisions cannot alter ownership or override landowners' rights and accordingly this issue does not need to be considered in determining the application.

## **7 Evaluation**

### **7.1 Impact on the character and appearance of the area**

7.1.1 Policy DE1 (Promoting Good Quality Design) of the adopted Local Plan states (amongst other criteria) that to ensure high quality design is achieved throughout the District, all development proposals will be expected to make a positive contribution to local distinctiveness vernacular and character of the area. Proposals should reinforce local identity and not have an adverse impact on the streetscene, settlement pattern or the landscape / townscape character of the surrounding area. Proposals should be of an appropriate scale, density, massing, height and material, given the context of the area. Part 12 of the NPPF (Achieving well-designed places) states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

7.1.2 The proposed extension has already been constructed and while the flat roof form is not in keeping with the pitched roof form of the bungalow, it can only be partially seen in glimpses from the Denton Avenue street frontage. For this reason, even though the overall size of the extension is larger than the footprint of the original bungalow, it is not considered that the works have a detrimental impact upon the character and appearance of the area. There are other examples of single storey flat roofed extensions within the locality. On balance, and subject to the use of appropriate materials, the proposal would not cause unacceptable harm to the street scene and surrounding context in accordance with the NPPF Section 12, and relevant criteria of Policy DE1 of the South Kesteven Local Plan.

## 7.2 **Impact on the neighbours' residential amenities**

7.2.1 Policy DE1 (Promoting Good Quality Design) of the adopted Local Plan states (amongst other criteria) that all development proposals will be expected to ensure there is no adverse impact on the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light and provide sufficient private amenity space, suitable to the type and amount of development proposed. Paragraph 127 of the NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7.2.2 The impact on neighbours' residential amenities has been taken into consideration. The application site shares a common boundary with 80 Denton Avenue (to the west) and 4 properties on Hunt Lea Avenue (to the east). Although most of the rear and side extension is not visible within the street scene, it is visible from within these neighbouring properties and gardens. The rear garden of the host property slopes rather steeply downwards from the original rear elevation to the end of the garden. The extension has been built upon a concrete base that has been constructed in order that the original bungalow and extension have the same internal floor levels. The extension extends across the entire width of the original bungalow and a further 1.2m to the east side. The raised site levels result in the rear part of the extension sitting high in the garden and projecting some distance above the 1.7m boundary fences that are shared with neighbouring properties. The proposed plans indicate that the extension could be raised as much as 1m above the adjacent ground level. The impact is exacerbated by the extension's proximity to the common boundaries, particularly to 44 and 46 Hunt Lea Avenue to the east of the extension.

7.2.3 Previous application S19/2242 was refused for the following reasons:

7.2.4 *'1. It is considered that by virtue of the scale, height, extensive massing and close proximity, the proposed single storey extension would result in the creation of an overbearing environment resulting in an unacceptable impact on amenity of the occupiers of the adjoining dwellings. This would be detrimental to the residential amenities of occupiers of No.80 Denton Avenue and No. 44 Hunt Lea Avenue, contrary to the NPPF Section 12 and policy DE1 in the South Kesteven Local Plan.*

*2. It is considered that by virtue of the position and close proximity of fenestration, the proposed single storey extension would result in significant overlooking and loss of privacy to the neighbouring dwellings, in particular No. 80 Denton Avenue, Grantham. This would be detrimental to the reasonable residential amenities of occupiers of that property, contrary to the NPPF Section 12, and policy DE1 in the South Kesteven Local Plan.*

- 7.2.5 In considering application S19/2242 the extension was therefore considered to be dominant and resulted in an overbearing effect on neighbouring gardens, to the detriment of neighbouring residential amenity.
- 7.2.6 This revised application proposes to add a pitched roof to the east side elevation of the rear extension, The proposed pitched roof is shown to the element of the extension beyond the original rear wall only, not to the existing side extension and measures approximately 7.2m in length, with a total drop in eaves from highest point of approx. 0.6m.
- 7.2.7 The proposed amendment, whilst considered to have a small beneficial impact, is not considered to overcome the previous reasons for refusal.
- 7.2.8 The proposed amendments do not alter the scale, height and proximity of the extension to neighbouring dwellings and results in a small difference in outlook to no. 44 Hunt Lea Avenue only by effectively removing a corner of the rear extension. The overall height of the extension remains the same as currently built and as previously refused. The fenestration remains as per the previously refused application and therefore this proposal is not considered to alter the second reason for refusal of application S19/2242.
- 7.2.9 The rear extension is particularly large in floor area, in comparison to the original size of bungalow. Furthermore, it is not considered that the proposed extension is subordinate in design or appearance and is therefore of poor design, contrary to Local Plan Policy DE1.
- 7.2.10 The proposed amendment to the roof of the rear extension is considered to exaggerate this, with a disjointed appearance of difference eaves heights from the original bungalow, an increase to the existing side extension and finally a drop in height to the proposed amended rear extension. While the appearance of the extension does not unduly impact on the character of the area, for the reasons given earlier, it results in a dominant and oppressive form of development detrimental to neighbour's residential amenities.
- 7.2.11 Taking account of the nature of the proposal, scale, and inadequate separation distances, it is considered that there would be unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties. This amendment proposed of a pitched roof to part of the side elevation of the rear extension is considered to be insufficient to overcome the overbearing harm identified and the development would not be in accordance with the NPPF Section 12, and Policy DE1 of the Local Plan.

### 7.3 **Highway issues**

- 7.3.1 Paragraph 109 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.3.2 The Local Highways Authority has previously expressed concern regarding the potential loss of parking from the site, however although, the Local Highways Authority has previously recommended 3 car parking spaces are provided for a dwelling with more than 4 bedrooms, it is not considered to be a reasons to refuse planning permission in this instance. The proposal would result in adequate access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with the NPPF Section 9.

#### 7.4 **Other matters**

7.4.1 The applicant has referenced examples in Grantham where development has been permitted where a principle rear elevation looks directly to a one and a half storey or a two-storey blank elevation. These examples include new build dwellings at Wilks Close, Coles Way and Launder Terrace, all in Grantham.

7.4.2 An addendum Planning Statement provided focuses on the appeal for the erection of two 1 ½ storey dwellings at Launder Terrace, Grantham, which were refused due to an overbearing impact (S16/0867) and allowed at appeal.

7.4.3 Whilst the examples provided are noted, of these only the final example at Launder Terrace is considered relevant, with the examples at both Wilks Close and Coles Way impacting on future occupiers of the dwellings permitted, not on existing neighbouring amenity. As such in this case there is an element of 'buyer beware' for future occupiers of the permitted dwellings, with no impact on existing dwellings. Furthermore, the benefit of additional housing provision is also afforded a greater weight in decision making.

7.4.4 With regards to the Launder Terrace example provided, whilst a closer example in terms of impact on existing neighbouring amenity, each application is considered on its own merits. The Launder Terrace example was considered against the relevant Core Strategy policy at the time, with Policy DE1 of the Local Plan now relevant in the determination of this application. There are not considered to be any public benefits arising from this proposal, with no gain in housing supply compared to the Launder Terrace example provided, and the proposal is considered to remain harmful, as per the refusal of two previous applications for the same proposal. Despite a minor amendment, this application is not considered to overcome the previous reasons for refusal and is considered to result in an overbearing impact on neighbouring dwellings, contrary to Policy DE1.

### **8 Crime and Disorder**

8.1 It is considered that the proposal would not result in any significant crime and disorder implications.

### **9 Human Rights Implications**

9.1 Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

## 10 Conclusion

10.1 Taking the above into account, it is considered that the proposal is not appropriate for its context and is contrary to NPPF Section 12 and DE1 of the South Kesteven Local Plan.

### 10.2 **RECOMMENDATION: that the development is refused for the following reasons**

- 1 It is considered that by virtue of the scale, height, extensive massing and close proximity, the proposed single storey extension would result in the creation of an overbearing and unneighbourly environment resulting in an unacceptable impact on amenity of the occupiers of the adjoining dwellings. This would be detrimental to the residential amenities of occupiers of 80 Denton Avenue and 44 Hunt Lea Avenue, contrary to the NPPF Section 12 and policy DE1 of the South Kesteven Local Plan.
- 2 It is considered that by virtue of the position and close proximity of fenestration, the proposed single storey extension would result in significant overlooking and loss of privacy to the neighbouring dwellings, in particular, 80 Denton Avenue, Grantham. This would be detrimental to the reasonable residential amenities of occupiers of that property, contrary to the NPPF Section 12, and Policy DE1 of the South Kesteven Local Plan.

#### **Note(s) to Applicant:**

- 1 There is a fundamental objection to the proposal and it is considered that this cannot be overcome. Consideration has not been delayed by discussions which cannot resolve the reasons for refusal. The decision therefore accords with paragraphs 38 of the National Planning Policy Framework.

Site Location Plan



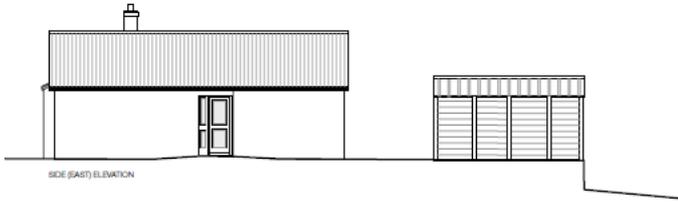
# Existing Plans



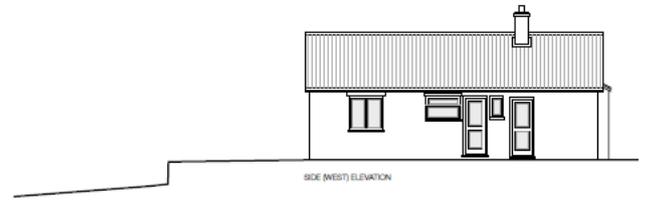
FRONT ELEVATION



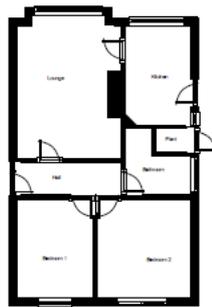
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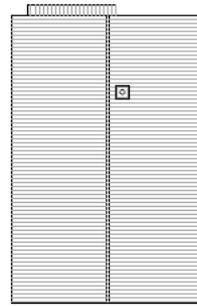
SIDE (EAST) ELEVATION



SIDE (WEST) ELEVATION

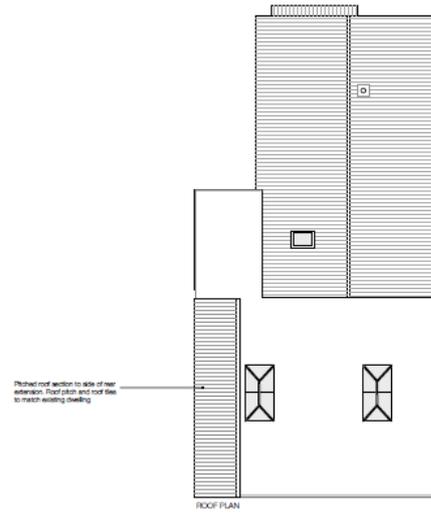
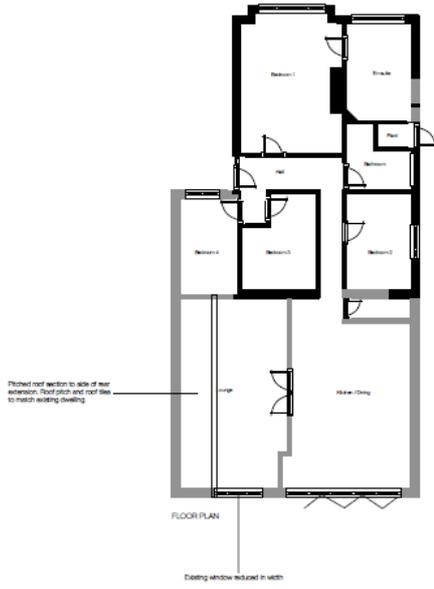
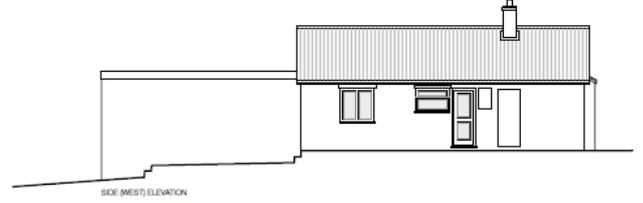
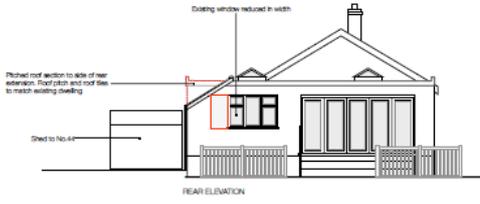
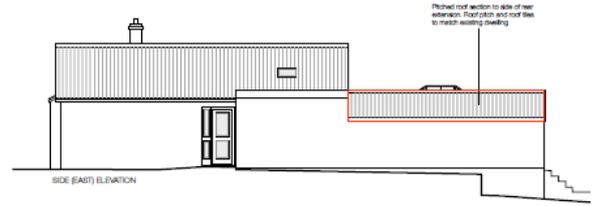


FLOOR PLAN



ROOF PLAN

# Proposed Plans



# Site Plan

