SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H23/1170/93 Received:07-JAN-94 Type:FULL

Name: Mr & Mrs T Glowczyk
Bottle & Glass
Whaplode Drove
Spalding
Lincs, PE12 0TN

Agent: Mr L Brewer RIBA
8 Ellindon
Bretton
Peterborough
Cambs, PE3 8RG

Description: Extension to dwelling

Location : Bottle & Glass Whaplode Drove
Spalding Lincs

South Holland District Council hereby give notice that PERMISSION HAS BEEN REFUSED for the development for the following reason(s):

1 In the opinion of the Local Planning Authority the overall scale and massing of the proposed extension is such that it would adversely affect the street scene in this particular part of Whaplode Drove. The proposal would also involve the removal of or prejudice the continued existence of a number of trees (one of which is the subject of a Tree Preservation Order) which contribute to the visual amenities of the rural locality.

2 In the opinion of the Local Planning Authority the overall scale and design of the proposed extension is such that it would adversely affect the residential amenity of neighbouring property immediately to the north, particularly by virtue of its oppressive effect.

The applicants are advised that the Local Planning Authority consider an extension to the rear would be more appropriate.

Director of Planning and Building Control Services
16-MAR-94 H23/1170/93

This decision refers only to that required for the purposes of the Town and Country Planning Act and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.

BRIAN SMITH Dip TP MRTPI Director of Planning & Building Control Services

Planning & Building Control Department, Council Offices, Priory Road, Spalding, Lincolnshire. PE11 2XE (Tel: 0775 761161)

The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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S.H.D.C. PLANNING DEPT.
RECEIVED
24 AUG 1994
File Nos.
DBCS

Mr L C Brewer
8 Ellindon
Bretton
PETERBOROUGH
PE3 8RG

Your ref:

Our ref:
T/APP/A2525/A/94/237943/P8

Date:
23 AUG 1994

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR & MRS T GLOWCZYK
APPLICATION NUMBER: H23/1170/93

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the South Holland District Council to refuse planning permission in respect of an application for an extension to dwelling at Bottle and Glass, Broadgate, Whaplode Drove, Spalding. I have considered the representations made by you and by the Council and also those made by the Whaplode Parish Council and interested persons including those made directly to the Council and forwarded to me. I inspected the site on 15 August 1994.

2. From what I have seen and read of this case, I consider that the principal issues are twofold; firstly, the effect of the extension on the visual amenity of the area and, secondly, whether it would cause serious problems of overlooking or loss of light or outlook to the adjoining house.

3. No development plan policies have been drawn to my attention and I shall therefore proceed to deal with this application on its merits. The Council has an informal village policy dating from 1989 in which the appeal site is included within the Interim Boundary of Development where there is a general presumption in favour of development proposals subject to their detailed impact being satisfactory. A previous scheme for a full 2 storey extension was refused and dismissed on appeal (Ref: T/APP/A2525/A/93/220728) because of its effect on protected trees and the amenity of the occupiers of number 87 Broadgate.

4. The Whaplode Parish Council has made reference to the strong objections to the present application from the occupiers of numbers 85 and 87 Broadgate. These include the impact of the extension on light, outlook, privacy, drainage, trees and the street scene and will be considered as part of

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RECYCLED PAPER

my assessment below. I am, however, limited to taking into account those matters relating to the specific planning merits of the development which do not include the objectors' concerns about unneighbourly behaviour.

5. As far as the first issue is concerned, I saw that your clients' house has a wide frontage and is set in a very large plot. Whaplode Drove is a linear settlement of mixed character containing both old and new dwellings. Although the extension would increase the width of the house even further, I do not consider that it would be harmful to the street scene as its proportions would be balanced and the rendered wall finish could be easily matched. Furthermore, the house is not in a prominent open location and its frontage would generally be seen in a foreshortened view by those passing along the road. I have considered whether the extension would be likely to damage the protected ash tree and hedge on the side boundary which are attractive features in the street scene. However, it would be some 5m away, beyond the canopy of the tree, whose future would not be jeopardized provided that it is protected during construction. In this respect, the present application overcomes the objection made to the previous scheme where the extension was some 1.6m closer to the side boundary.

6. On the second issue, I saw at my visit that number 87 Broadgate lies further back from the road than the appeal building so that its kitchen and rear sunroom would be approximately opposite the proposed extension. They would, however, be separated from it by their driveway and the trees and hedge along the side boundary. The extension at this point would be single storey with a shallow pitched roof reaching just over 4m at its apex and mostly below this. The only windows in the side elevation would be very small ones to a toilet and laundry room and the single small bedroom window in the rear elevation does not face directly towards the adjoining house. It is my view that this extension would not be of overbearing height or appearance, neither would it cause the loss of privacy to the occupiers of number 87. Although the single storey section would lie to the south of this property, I consider that it would not be sufficiently high or close to it to cause any serious loss of sunlight or daylight.

7. It is my conclusion that this application provides for a development which will be acceptable in terms of its effect on the appearance of the area and the amenity of occupiers of adjoining dwellings. I have taken into account all the representations, including the concern of neighbours about tree roots and drainage. However, none of the submitted information leads me to suppose that problems of this nature would result. The question of future extensions with overlooking windows at first floor level has also been raised but these would require specific planning permission. I propose therefore to allow this appeal subject to conditions requiring the use of matching external materials to ensure that the extension blends with the appearance of the existing house. A further condition will require the ash tree to be

protected during the course of construction so that its contribution to the appearance of the area is maintained. I do not consider it necessary to impose the suggested condition limiting the use of the extension to purposes incidental to the enjoyment of the dwelling as the permitted use of the property as a whole is clearly as a single dwelling.

8. For the above reasons, and in exercise of the powers transferred to me, I allow this appeal and grant planning permission for an extension to dwelling at Bottle and Glass, Broadgate, Whaplode Drove, Spalding in accordance with the terms of the application No H23/1170/93 dated 7 January 1994 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter;

2. the external materials to be used for the walls and roof of the extension shall match those of the existing building;

3. the development shall not be commenced until the ash tree, the subject of Tree Preservation Order No 4 1992 and shown on the approved plan, has been fenced off in a manner to be agreed in writing with the local planning authority. Such fencing shall be maintained in place during the period of construction and shall not be removed until the development is completed.

9. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

10. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Yours faithfully

J. Jones

MRS J JONES MA DipTP MRTPI
Inspector

WHAPLODE DROVE

