DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H01-0411-22**	**Applicant:**	**Mr S Lyon**
Proposal:	Details of existing & proposed site levels and boundary treatments (Conditions 2 & 3 of H01-1146-20)		
Location:	Adj. 156 Barrier Bank Cowbit Spalding		
Terminal Date:	8th June 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

PROPOSAL

This is a condition compliance application at land adjacent to 156 Barrier Bank, Cowbit for details of existing & proposed site levels and boundary treatments (Conditions 2 & 3 of H01-1146-20).

SITE DESCRIPTION

The proposal site is on the western side of Cowbit and forms part of frontage development facing on to Barrier Bank. The surrounding area is characterised by dwellings of varying ages and design. There are open fields opposite and a new dwelling under construction to the rear. In accordance with Condition 6 of the outline permission, it has been reaffirmed that finished floor levels will be set at 500mm above existing ground level, at a minimum of 4.50m ODN.

RELEVANT HISTORY

H01-1076-17

Outline - Proposed residential building plot (Plot 1) - Approved - 19 December 2017.

H01-1146-20

Reserved Matters - Erection of detached dwelling - outline approval H01-1076-17 - Approved - 16 July 2021.

CONSULTATION RESPONSES

None

PLANNING CONSIDERATIONS

Assessment against Condition 2 of H01-1146-20 - Details of Existing and Proposed Site Levels

The existing site levels are 5.225mAOD at the site frontage, 4.57mAOD at the front of the dwelling, 3.595mAOD at the rear of the dwelling, and sloping further down to 2.978mAOD toward the rear of the site.

The proposed average ground level is to be 3.7mAOD with the raised patio area to the rear of the dwelling at 4mAOD, the finished floor level at 4.5mAOD and the fence line to be 5.95mAOD, with the fence being 2 metres in height across the side of the dwelling and 2.25 metres at the rear garden side boundaries adjacent to the raised patio.

The are no dwellings immediately to the frontage or rear of the proposal. The windows on the northern side elevation serve a utility and wc at ground floor level facing the 2 metre fence, with the northern elevation first floor fenestration being obscure glazed bathroom and en-suite windows. When right to light lines are drawn toward 152 Barrier Bank to the north, the southern elevation fenestration of 152 is not materially impacted by a loss of light.

The fenestration of the southern side elevation of the dwelling serves a snug window, a staircase window and a garage door. These windows face the 2 metre side elevation fence. Whilst the staircase window is raised halfway up the stairwell, this window faces the side elevation of the detached garage of 156 Barrier Bank and the open frontage beyond. An obscure glazed window will serve the southern elevation first floor en-suite. When right to light lines are drawn there is not considered to be a material loss of light at 156 Barrier Bank to the south..

It is considered that the proposed site levels will not give rise to material overlooking and overshadowing concerns.

Condition 2 of H01-1146-20 is considered to have been addressed.

Assessment against Condition 3 of H01-1146-20 - Details of Boundary Treatment

A 1.2 metre high fence will be sited on the northern side boundary at the frontage of the site. The fence will be 2 metres in height alongside the length of the dwelling, rising to 2.25 metres adjacent to the raised rear elevation patio. Further down the northern boundary and along the rear eastern boundary the fence will be 2 metres in height. On the southern side boundary the fence will be 2 metres in height, rising to 2.25 metres adjacent to the rear elevation patio and dropping back down to 2 metres in height from the detached boundary garage of 156 Barrier Bank onwards to the site frontage.

When the proposed fence heights are considered alongside the proposed site levels there is not

considered to be a material impact from overlooking or overshadowing, nor on the character or amenity of the surrounding area.

Condition 3 of H01-1146-20 is considered to have been addressed.

PLANNING BALANCE

It is considered that the proposed site levels and boundary treatment submitted are appropriate for the site and do not have a material impact on the character and amenity of the surrounding area. The submitted details are in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 as well as Section 12 of the National Planning Policy Framework, 2021.

CONCLUSION

This application is recommended for approval.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.