DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H01-0712-22**	**Applicant:**	**Mr & Mrs I Howes**
Proposal:	Erection of dwelling & detached garage		
Location:	6a Backgate Cowbit Spalding		
Terminal Date:	9th September 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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

NPPF 2021.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Erection of a detached dwelling of modern design and a detached garage.

The changes to the previously approved scheme are as follows:

- addition of a detached garage in front of the approved house (roughly where the existing garage building is);
- conversion of the approved integral garage into living accommodation (so replacing the garage door with windows);
- moving the gates forward;
- addition of a shed and summer house in the garden.

The application is supported by a Design and access statement. In addition a Flood Risk Assessment, Phase I Geo-environmental Desk Study, Land Contamination Assessment - Non Technical Client Summary, Phase II Environmental Assessment and Land Contamination Assessment - Non Technical Client Summary. These are previously approved documents. See history below.

Site Description

The application site is currently garden land belonging to a wide plot which has an existing 2 storey dwelling with integral double garage and an additional detached flat roofed garage to the side.

The proposed dwelling would replace the detached garage. The two storey neighbouring property adjacent the garage has no windows directly facing the site. The tall fencing between the host dwelling and detached garage currently provides a secluded rear garden with no views from the highway.

History

H01-0576-20. FULL. Erection of Dwelling (revised scheme of previous approval H01-0843-17). APPROVED 23-11-20.

H01-0750-21. CONDITION COMPLIANCE. Details of Phase 1 Geo-Environmental Desk Study relating to contamination
(Condition 3(i) of H01-0576-20). APPROVED 12-08-21.

H01-1296-21. CONDITION COMPLIANCE. Details relating to contamination (Condition 3 ii-iv of H01-0576-20). APPROVED 24-01-22.

Consultation Responses

Cowbit Parish Council

No response received.

LCC Highways & SUDS Support

Does not wish to restrict the grant of permission.

The principle of residential development on this site has been established by a previous Planning Consent. The access arrangement of that Consent are repeated here in this Application. Therefore, having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety and so does not wish to object to this planning application.

SHDC Environmental Protection Officer

Agree to the condition recommended by case officer.

LCC Historic Environment Officer

This site lies within an area of high archaeological potential. It is within the area identified as the medieval settlement of Cowbit, and also close to other Saxon and early medieval features that lie to the east of the site. However, it is likely that the site has undergone disturbance due the present buildings and also from the construction of the former railway to the rear. Given this any archaeology that still survives is unlikely to legible and it would not be proportionate to request archaeological work on this development and we recommend that no further archaeological input be required in association with this application.

Environment Agency

No response received.

South Holland Internal Drainage Board

No response received.

Public

No responses received.

Planning Considerations

-Principle of development
-Character and appearance
-Residential amenity
-Highway matters and parking
-Flood Risk and mitigation
-Contaminated Land
-Archaeology

Principle of development

The application site is within the settlement boundary of Cowbit. It is thus considered that the development of this site for one dwelling would be acceptable in principle, and in line with the policies of the SELLP and the NPPF.

Even if the site did not benefit from the previous decision this is not determinative. It is nonetheless considered that the principle of development is acceptable on the basis that the site is within the settlement boundary and is considered to meet the requirements of Policy 1 of the SELLP.

Character and appearance

This part of Cowbit is characterised by mixed architectural forms and predominantly detached dwellings in comfortable sized garden plots. None are built abutting side boundaries so as to maintain sufficient space between properties. All are set back in the plot.

The proposed dwelling is set further back in the plot than the two properties either side. The proposal is two storey to the front but has single storey middle additions with a middle flat roof section, designed to minimise impact on the adjoining dwellings.

The garage would sit forward of the property, as did the previous garage on the site.

A shed and summer house are proposed within the garden, and are shown on the plans. As permitted development rights have not been removed from this site by the previous consent it would not be reasonable to do so at this time. An informative is suggested to clarify that the shed and summerhouse are to conform to the usual permitted development criteria, or planning consent may be required.

The modern design approach to this proposal appears well thought out; although the palette of materials proposed would not be typical of the locale, it is considered that given the mix of styles in

the area, the proposal would not be out of keeping and could offer an interesting counter point to the styles within the area. The form, height and massing of the dwelling would similarly not be out of keeping with the locale. The proposal would therefore accord with Policy 3 of the SELLP.

Residential amenity

Policies 2 and 3 of the SELLP set out criteria for the assessment of development.

This dwelling would have the greatest impact on the host dwelling of No.6 and to the dwelling to the north, Arch House.

The design of the proposed dwelling and the boundary treatments overcome previous concerns regarding the impact of the development on the host dwelling; whilst there are significant glazed doors and windows, the dwelling is designed to look over the garden space and not towards the rear garden of No.6. The proposed dwelling has also been set back within the plot and as such does not create a built up effect to the side of No.6 and the impacts to the rear are significantly reduced due to the mix of heights and levels of the proposed dwelling.

With regard to the impact on Arch House to the north, the design provides a mix of two and single storey elements, to break up the bulk of the dwelling. In addition the roof slope mitigates against a continuous bulk along the boundary.

A previously submitted levels and sections plan indicates that the dwelling could be constructed on the site and not exceed the height of Arch House.

Looking at the visual impact of the development on Arch House, which is a detached dwelling, the development would have some visual effect, presenting a blank wall to the neighbouring dwelling, however given the width and positioning of Arch House, it is not considered that the impact would be so great that a refusal of consent should be recommended.

The two storey element would be adjacent to the rear garden area of Arch House, but on balance, given the solar studies that have been submitted and the location of the development and that of the adjacent neighbouring dwelling, it is not considered that refusal of this development on the grounds of loss of daylight and sunlight could be sustained.

In order to protect the amenities of Arch House, a condition removing permitted development rights for further rooflights and windows is proposed.

Also, In order to control the impact of the potential removal of the hedging to the northern boundary of the site with Arch House, a fencing and boundary treatment condition is suggested.

The garage would sit forward of the property, as did the previous garage on the site.

It is considered on balance that the proposal accords with Policies 2 and 3 of the SELLP. For all these reasons it is also considered that the development would provide and ensure an acceptable level of amenity for current and future occupiers.

Highway matters and parking

There would be adequate parking on the site for three vehicles to the front of this property, as well as retaining three parking spaces for the host dwelling. It is considered that this is adequate and accords with the provisions of the SELLP.

LCC Highway Service raises no objections to this development, subject to informatives, to be added to the decision notice.

Flood Risk and mitigation

The application is supported by a Flood Risk Assessment and the development would accord with the requirements of that document, and the requirements of the Environment Agency. It is considered that the proposal accords with Policies 3 and 4 of the SELLP.

Contaminated Land

Although the site is a domestic garden, the EHOs records show that a significant portion of the site is former railway land. Information has been submitted and has been previously approved to clarify and mitigate against impacts on contamination of land or pollution of controlled waters. Conditions are suggested to ensure compliance with these documents.

Archaeology

The impact on archaeology was considered by the previous application and it is not appropriate to request archaeological work on this development, given the views of the LCC Historic Environment Officer.

Conclusion

For all the above reasons, and on balance, it is considered that the development would accord with the development plan as a whole. It is also considered that the relevant provisions of the NPPF 2019 are complied with and there are no material considerations to justify refusal. Even in the absence of the previous decision, officers consider that the principle of the development is acceptable and permission should be granted.

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.