DECISION DELEGATED TO DEVELOPMENT MANAGER

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| **Application No:** | **H02-0003-21** | **Applicant:** | **Mr N Plumb** |
| **Proposal:** | Convert 105 North Street into 2 dwellings with the addition of further dwelling to the rear. | | |
| **Location:** | 105 North Street Crowland Peterborough | | |
| **Terminal Date:** | 1st March 2021 | | |

**Planning Policies**

**South East Lincolnshire Local Plan - Adopted: March 2019**

| | |
|---|---|
| 01 | Spatial Strategy |
| 02 | Development Management |
| 03 | Design of New Development |
| 11 | Distribution of New Housing |
| 17 | Providing a Mix of Housing |
| 29 | The Historic Environment |
| 36 | Vehicle and Cycle Parking |
| APPENDIX 6 | Parking Standards |

**National Guidance**

**National Planning Policy Framework 2019**

Sections 12 and 16 of the National Planning Policy Framework (2019)

**Representations:**

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| PARISH COUNCIL | 0 | 0 | 0 | 1 |
| WARD MEMBER | 0 | 0 | 0 | 0 |
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |
| IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER | 0 | 0 | 0 | 1 |
| NORTH LEVEL INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |

| | | | | |
|---|---|---|---|---|
| SHDC INTERNAL | 0 | 0 | 1 | 0 |
| OTHER STATUTORY BODIES | 1 | 0 | 1 | 0 |
| RESIDENTS | 3 | 0 | 0 | 1 |

## CASE OFFICER ASSESSMENT

### Proposal

This planning application is for the conversion of 105 North Street, Crowland into 2 single properties, and to construct a separate 5 bedroom property in the burgage plot within the rear Garden. This application also includes proposals to construct a rearward extension to 105 North Street and make some minor alterations to 105, including the rendering of the external 1st floor walls.

### Site Description

105 North Street is a unique property within the Crowland Conservation Area in that it's construction is unusual. Above ground floor, the building is constructed using what appear to be C20th bricks, but at ground level, the Western and Southern elevations are constructed using stonemasonry, which may have been sourced from other historic structures in Crowland. Whilst the site is not a listed structure, it is within the conservation area, at a prominent location, and with a unique style, making it a structure of importance within its setting.

The plot to the rear extends the span of the backland site and also meets Kemp Street (which is not within the Conservation Area).

The immediate area is characterised by linear development, mostly of a residential nature and with a mix of periods and styles.

### History

H02-0443-88

Erection of house and garage with vehicular access' on part of garden of Bank House. Refused on 12-07-88

H02-0626-14

Rear extension and internal alterations to house. Approved on 03-11-14.

H02-1078-14

Details of external materials, doors and windows (Conditions 3, 7 and 8 of H02-0626-14). Part Approved and Refused on 28-04-15.

H02-0811-15

Details submitted relating to external materials, brickwork and sample brickwork panel (Conditions 3 and 5 of H02-0626-14). Approved on 26-10-15.

### Consultation Responses

Resident Comments

A third party has commented on this application without objecting to the proposal. This party requested that the planning authority require the applicant to install swift bricks as part of conditions to any approval. The commenter cites section 40 of the NERC Act of 2006, as well as the NPPF, which both state that planning authorities should incorporate opportunities to improve/conserve biodiversity where possible . Furthermore, the commenter includes a quote from DEFRA which claims that planning authorities should encourage the use of swift bricks where possible within developments and also cites policy 28 of the SELLP (2019) which mentions the need to preserve the provision for nesting bird - particularly swifts- habitats.

Local Residents

8 Letters of objection have been received from local residents, their content can be summarised into the following points of objection:

- The proposed new dwelling is oversized and would overshadow neighbouring properties
-The proposed new dwelling would overlook the rears of several neighbouring properties, particularly through the proposal to have a balcony.
- The proposal for the new dwelling would have a harmful impact upon the Conservation Area and settings of several listed buildings. Whilst the structure itself would not wholly be within the conservation area, the proposed structure would be accessed via the conservation area and affects the setting of all of the properties facing North Street, which are in the Conservation Area.
- A more detailed heritage impact assessment will be required for the works to 105.
- Proposal would be detrimental to local wildlife.
-Proposal, as a very large property would be aimed at a large family, whose comings and goings will impact upon the residential amenity and private, quiet enjoyment of neighbouring properties.
- Proposal does not respect local patterns of development
- Highway safety could be damaged by emerging vehicles from the proposed driveway.

North Level District Internal Drainage Board

No comment.

Lincolnshire County Council Historic Environment Record

The included Heritage Impact Assessment is not sufficiently detailed, given the unique construction of the site, and does not include any sort of assessment of any of the potential Archaeological impacts of the proposal. Therefore, a much more detailed and considered HIA will be required prior to any approval of this application.

Crowland Parish Council

Do not object to the renovations and alterations to 105, but do object to the proposed new structure to the rear of the property, which is too large and will overlook surrounding properties.

Lincolnshire County Council Lead Local Highways and Flood Authority

No objections.

**Planning Considerations**

Principle of development

The principle of development of the proposed works is deemed to be acceptable by the Local Planning Authority, this is because the proposed residential development and conversion of single dwelling into 2, is within the Crowland Defined Settlement Boundary and not within any flood risk zone. Furthermore, ample parking is provided within the site for all 3 residential units, as well as amenity space.

Heritage Impact and Impact Upon the Immediate Area

The proposal site is partially within the Crowland Conservation Area, although the proposed new dwelling would sit just outside of that boundary. However, it would be via the Conservation Area that

the property would derive access and also would be visible.

Policy 29(B) of the South East Lincolnshire Local Plan (2019) states the following:

*"Proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. Proposals should:*

*1. Retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces; (...)*

*4.Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment;*

*5. Assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape (...)"*

Because the proposed additional dwelling would therefore, in spite of the fact it is outside of the Conservation Area, be considered to have an impact on the Conservation Area as it forms a part of the setting of the area. The proposed new dwelling protects neither the existing street pattern or historic building lines of the host portion of the Crowland Conservation Area and does not reinforce the immediate area's scale, massing, form or plot sizes/orientations.

The above is because the North Street Portion of the Crowland Conservation Area (CCA) is characterised by linear development with street frontages and not by burgage development. Furthermore, the proposed new dwelling would be significantly larger than the host property, 105 North Street, alongside several more properties within the immediate setting of the property.

However, the impact upon the immediate area of the proposal is deemed in this case to be unacceptable. The proposed new dwelling to the rear of the property would be large in comparison to much of the surrounding development, and much larger than the host property. Back land or burgage plot development is not a feature of this area. This, coupled with the scale and massing of the site would present a property which would be incongruous within its CCA setting and wider immediate neighbourhood setting.

Furthermore, as it can be said that the proposal for the new dwelling would impact upon the conservation area, the general design of the proposed structure it is disappointing to see the use of non-traditional or vernacular materials, including UPVC.

Within that wider setting, Policy 3 of the South East Lincolnshire Local Plan (2019) would clearly be violated. The burgage nature of the proposal is alien to this area and does not sit well within the general theme of linear street frontage development in this location and therefore does not respect the general character of the area in terms of plot sizes and density of development.

It is worth noting that many of the several resident objections received were based upon concerns relating to the proposed structure being incongruous to the nature of the site and also harmful to the historic nature of the Conservation Area.

The Lincolnshire County Council Historic Environment Record was consulted on this application, requesting that a new, more detailed Heritage Impact Assessment be submitted prior to any approval. Due to the Local Planning Authority's intention to refuse this application, it has not been deemed reasonable to request that the applicant go to the additional cost of having a new Heritage Impact Assessment drafted at this time.

Residential Amenity

The Local Planning Authority has significant concerns in relation to the impact upon residential amenity for residents of both North Street and Kemp Street. Furthermore, it is noted that a good number of local residents have written letters of objection based largely upon concerns relating to lack of privacy.

Whilst it is acknowledged that the applicant has included a vision screen on the Northern element of the proposed balcony, the rear and front facing windows would sill significantly overlook the rear, private gardens of 101 North Street, but also that of the Host property and 107 (owned by the

applicant), reducing the residential amenity offering of those properties. Additionally, the rearward windows would overlook the rear garden of 16 Kemp Street, whose garden envelopes the South and East of the proposal site. Furthermore, standing upon the balcony, it appears perfectly feasible that regardless of the vision screen, based upon the location of the balcony in relation to the plot, that any individual would be able to get a direct view into the rear garden and private pool area of 20 Kemp Street.

Policy 2 of the South East Lincolnshire Local Plan states:

"*Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:*

*1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses; (...)*

*6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;(...)*"

Policy 3 of the South East Lincolnshire Local Plan states;

"*All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.*

*Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured: (...)*

*2. distinguishing between private and public space; (...)*

*11.residential amenity; (...)*"

As can be seen, by virtue of the visual encroachment upon the private back gardens of North Street and Kemp Street via windows on both the Western and Eastern elevations, as well as the included balcony, in association with the related lack of consideration for the relationship to neighbouring properties, the distinction of public and private land and residential amenity - this proposal would be in contradiction of Policies 2 and 3 of the South East Lincolnshire Local Plan (2019)

Pre-application advice

The applicant has previously been given pre-application advice for a proposal including a residential development of 2 properties in the site of the proposed new, single dwelling. This desk-based advice given, was done so without the benefit of a site visit and was vaguely positive in nature, but was not explicitly supportive of the proposal. Furthermore, the proposal put forth in that pre-application advice enquiry was significantly different in terms of scale and layout to the proposal put forth by this application.

Planning Balance

The proposed works to the host property (105 North Street) seem reasonable at face value and the proposal site is, in terms of principle of development, a site where residential development would be acceptable in principle. However, the ill-fitting nature of the included residential development in terms of density and plot spacing as well as the clear negative impacts upon residential amenity far outweigh the benefits of the proposed works to 105 North Street.

## Conclusion

For the reasons listed above, this application is found to be in contravention of policies 2, 3 and 29 of the South East Lincolnshire Local Plan. Therefore, this application is recommended for refusal.

## 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.