DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0264-22**	**Applicant:**	**Mr L Johnson**
Proposal:	Erection of detached dwelling		
Location:	Adj. 22 Albion Street Crowland Spalding		
Terminal Date:	15th 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

National Planning Policy Framework (NPPF, 2021)

Section 2: Achieving sustainable development
Section 4: Decision-making
Section 5: Delivering a sufficient supply of homes
Section 9: Promoting sustainable transport
Section 12: Achieving well-designed places
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 15: Conserving and enhancing the natural environment

Planning Practice Guidance

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
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	4	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This application seeks approval for the erection of a detached two-storey dwelling on land adjacent to No. 22 Albion Street, Crowland. The proposed dwelling would be of a gable design with a gable end addressing the highway of Albion Street. The proposed dwelling would be constructed of facing brick.

Site Description

The site is a rectangular parcel of land measuring approximately 5.5m in width and approximately 32m in length and is bound by various boundary fences of varying heights.

History

There is no planning history on site.

Consultation Responses

Lincolnshire County Council Highway Authority and Lead Local Flood Authority
No objections.

North Level District Internal Drainage Board
No objections.

Lincolnshire County Council's Historic Environment Officer
Requested conditions be imposed on any planning permission granted.

Six letters of objections have been received during the course of the application, raising concerns over the following:

-Design and layout
-Impact on neighbouring amenities

Planning Considerations

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material

considerations indicate otherwise.

The site is located within the settlement boundary for Crowland, as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within Main Service Centres, such as Crowland, development will be permitted that supports its role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. In the context of this, the principle of residential in this location is considered acceptable.

Policies 2 and 3 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) set out sustainability and design requirements for proposed development. Section 12 of the National Planning Policy Framework (NPPF, 2021) outlines the design requirements for new development and indicates where permission should be refused on these matters. Policy 2 of the adopted Local Plan (SELLP, 2019) states that 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;

The plot is a thin and rectangular in shape - 32m in length and 5.3m in width. The proposed dwelling would measure approximately 15.6m by 5.1m with an eaves height of 4.1m and a ridge height of 6.3m. The proposed dwelling would be set back from the highway of Albion Street by 7.5m. To the north, No. 22 Albion Street is a single storey, hipped roof property set back from the highway by approximately 10.9m. To the south, No. 24 Albion Street is a two-storey, hipped roof property set back from the highway by approximately 9.5m.

The scale of the proposed dwelling is not considered to be commensurate the size of the plot it would be situated on and would present as a cramped form of development that would detrimentally impact the character and appearance of the streetscene and surrounding area. As the proposed gable-end dwelling would be situated forward of both directly adjacent neighbouring hipped roof properties (by approximately 2m), the proposed dwelling would present as a visually over dominating feature within the streetscene.

In terms of relationship to existing development and land uses, the closest neighbouring properties directly adjacent to the proposed development are Nos. 22 and 24 Albion Street and No. 5 Hardwick Close, Crowland

The proposed dwelling would be approximately 0.9m from the boundary to No. 22 Albion Street at its closest point and approximately 2.8m from the south-side elevation of No. 22 Albion Street at its closest point. The south-side elevation of No. 22 Albion Street includes one thin window serving the living room, one window serving a bedroom, one window serving the kitchen and a number of windows serving the sun room/conservatory. Given the close proximity to the neighbouring properties south-side elevation with a number of windows serving habitable rooms, the proposed dwelling would result in significantly detrimental overbearing and overshadowing impacts on No. 22 Albion Street.

The proposed dwelling would not extend beyond the rear most elevation of the neighbouring property and therefore would not detrimentally impact upon No. 22 Albion Street's private rear amenity space. It is worth noting that the proposed dwelling includes no north side elevation windows and therefore would not result in any overlooking impacts on the neighbouring property of No. 22 Albion Street.

The proposed dwelling would extend beyond the rear most elevation of No. 24 Albion Street by approximately 4.1m and would breach the 45-degree rule with the northern most rear elevation ground floor and first floor windows. Whilst the proposed dwelling would be sited north of the neighbouring property of No. 24 Albion Street, it is considered to result in significantly detrimental overbearing and overshadowing impacts on the neighbouring property and its private rear amenity space, as it is two-storey in height (4.1m to eaves and 6.3m to ridge) with the south-side elevation forming the boundary to No. 24 Albion Street.

It is worth noting the north-side elevation of No. 24 Albion Street and the south side elevation of the proposed dwelling would include no windows and therefore would not result in any overlooking impacts on either neighbouring property.

With regard to the impacts of the proposed dwelling on No. 5 Hardwick Close, the rear elevation of the proposed dwelling would be approximately 10.2m from the western boundary of the neighbouring property. As the boundary between the two properties comprise of a 1.8m close boarded fence and a large scale mature tree, the proposal is not considered to result in any significantly detrimental overlooking impacts on the neighbouring properties private rear amenity space.

Overall, the proposed dwelling, by virtue of its size, scale, layout, density and impact on the amenity would result in significantly detrimental impacts to the character and appearance of the streetscene, the surrounding area and the amenities of neighbouring properties. Accordingly, the proposal is not considered to satisfy this criterion of Policy 2 of the adopted Local Plan and the guidance within the National Planning Policy Framework (NPPF, 2021) and should therefore be refused on this basis.

2. quality of design and orientation;

The proposed dwelling would be two-storey in height and would be of a gable end design - the gable addressing the highway of Albion Street. The proposal would be constructed of facing bricks and roof tiles to be agreed with the Local Planning Authority and UpVC windows and a composite door.

The directly adjacent, existing neighbouring properties are of a hipped design - one of which single storey and the other two storey. Beyond this, the design of properties within the streetscene of Albion Street is varied with examples of gable end and half-hip properties and portions of flat roof development.

The design and orientation of the proposed dwelling is similar to that of No. 26 Albion Street and given the variety of design in the streetscene of Albion Street, the proposed dwelling is considered to be of an acceptable design and orientation.

7. sustainable drainage and flood risk;

The site is located within Flood Zone 1 and is on land that is considered a low flood risk hazard to people in accordance with the South East Lincolnshire Strategic Flood Risk Assessment (2017). As such, the erection of one dwelling in this location is not considered to result in any detrimental flooding impacts.

The application states that surface water is to be disposed of via soakaway and foul drainage is to be disposed of via mains sewage. These are considered to be acceptable, subject to a condition agreeing specific details of the soakaway, that would be imposed on any planning permission granted.

8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;

During the course of the application, comments have been received by Lincolnshire County Council's Historic Environment Officer who has advised that given the close proximity to the historic centre of the settlement of Crowland, any planning permission should include a condition to secure the submission of a Scheme of Archaeological Works.

Other Matters

Policy 36 and Appendix 6 of the adopted Local Plan indicate the level of off-street car parking provision required for dwellings. As the proposed dwelling would have three bedrooms, two off-street car parking spaces are required to be provided within the curtilage of the dwellinghouse. As shown on the submitted layout plan, there is adequate space to the front of the proposed dwelling for two spaces and is therefore considered to be acceptable in this regard. Furthermore, Lincolnshire County Council Highway Authority raised no objections to the proposed access of Albion Street.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

Overall, the proposed dwelling, by virtue of its size, scale, layout, density would result in significantly detrimental impacts to the character and appearance of the streetscene, the surrounding area and the amenities of neighbouring properties. Accordingly, the proposal would be contrary to Policies 2, 3 and 30 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) and should therefore be refused in line with paragraph 134 of the National Planning Policy Framework (NPPF, 2021).

Conclusion

Refuse planning permission for the reasons set out above.

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.