DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H02-0332-19**	**Applicant:**	**Mr S Fradley**
Proposal:	Erection of two dwellings - Outline application H02-0536-17 refused - Allowed on Appeal (ref. APP/A2525/W/18/3197601)		
Location:	Rear Of 10 Peterborough Road Crowland Peterborough		
Terminal Date:	20th May 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2019

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
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	1	0
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	1	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a reserved matters application relating to outline approval H02-0536-17 for the erection of two dwellings on land to the rear of 10 Peterborough Road, Crowland.

The proposal is for 2 x 3 bedroom detached dwellings.

The design of the proposed dwellings is almost identical to the indicative plans submitted at outline stage. The properties have been designed with an open gable at the front and rear and the proposed materials of construction are Granchester Blend bricks and dark grey Sandtoft Calderdale tiles.

The proposed side facing first floor windows would be obscure glazed. The driveway between numbers 8a and 10 Peterborough Road would be constructed from a combination of block paving and tarmac until past the rear elevation of number 8a, where it would then be gravelled.

Parking spaces would be provided to the front of both plots.

Site Description

The application site is to the rear of an existing dwelling known as number 10 which is a detached two storey house. There is a bungalow to the south side of number 10, and a two storey detached dwelling to the north known as 8a. The site did formerly comprise part of the rear garden of number 10, however it has since been separated off with closeboard fencing. There are the remnants of conifer trees along the southern boundary. There are currently no properties to the rear of the application site, however, permission has recently been granted for 1 dwelling on the land immediately to the rear (H02-0774-18).

History

H02-1192-17 - Proposed residential development of two detached houses - re-submission of H02-0536-17 (refused 8th June 2018)

H02-0536-17 - Residential development - two detached houses (allowed on appeal 20th August 2018)

Consultation Responses

Crowland Parish Council - The Parish Council are disappointed that this application was approved on appeal.

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

North Level District IDB - No comment.

Public -
- Loss of privacy; overlooking of private rear gardens; overbearing; Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life
- Out of keeping with existing development in the area
- Other backland developments along Peterborough Road are not built as close to existing property boundaries as the proposed houses
- Impact of proposed driveway (noise and air pollution) in close proximity to adjacent property

Planning Considerations

As the principle of development on the site has already been established, the main issues to be taken into account in respect of this application are whether the proposed scheme is acceptable in terms of layout, scale, external appearance, means of access, landscaping, site levels, drainage etc.

Layout/scale/external appearance

The principle of backland development has already been established through the appeal decision.

Existing residential properties in the area vary in terms of size and design. There are a mixture of detached bungalows and two-storey dwellings as well as semi-detached and terraced properties in the vicinity. Two 2-storey dwellings on the site would therefore not be considered to be out-of-keeping with the existing character of development in the locality.

Furthermore, the proposed dwellings would not be out-of-scale with existing surrounding development and a 1m (approx.) separation distance between properties and boundaries is acceptable.

The external materials of properties in the vicinity are varied and so the proposed materials appear to be appropriate.

The existing 1.8m high fencing along the northern boundary and at the rear of no. 10 would remain. New 1.8m high timber fencing would be installed in between the proposed dwellings and along the southern boundary as the Leylandi trees that were along this boundary have been cut down.

Loss of privacy and overlooking has been raised as a concern by an objector. However, the only side facing windows above ground floor level would belong to bathrooms which should be obscure glazed, and the stairs. Furthermore, there would be a sufficient distance between facing elevations of existing properties and the proposed dwellings for there to be no material adverse impact in terms of overlooking. The overlooking of gardens is a consideration, however it is one that carries very limited weight in the planning balance.

Given the above, it is also considered that the proposed dwellings would not be of an overbearing nature and would not result in a material loss of light.

Concern has been raised about the impact of the proposed driveway (in terms of noise and air pollution) on the adjacent property, 8a. This was considered by the Inspector at appeal stage who concluded that the impact would be minimal and not harmful. This reserved matters application originally indicated that the majority of the length of the driveway between no's 8a and 10 would be finished with gravel. Amended plans were requested to reduce the extent of the area gravelled. Revised plans have since been received showing a mixture of block paving and tarmac along the side elevations of the properties, before changing to gravel past the rear elevations. This should help minimise the level of noise that would be generated by vehicle movements in close proximity to the adjacent properties.

Access and Parking

Access for both dwellings would be off Peterborough Road via a single private drive in between numbers 8a and 10. LCC Highways/SUDS have not objected.

In terms of parking provision, the block plan shows that 4 spaces would be provided for each dwelling. This is considered acceptable when taking into account the requirement set out in Policy 36: (Vehicle and Cycle Parking) and Appendix 6 for 2 parking spaces for dwellings with up to 3 bedrooms.

Landscaping

The rear gardens of the proposed dwellings would be grassed, with patio areas and paths around the properties constructed of buff paving slabs. The area immediately to the front of the properties would be gravelled. This is considered to be acceptable.

Site levels

Finished floor levels are to be set no lower than 2.3m OD in accordance with the flood risk assessment submitted as part of outline application ref. H02-0536-17.

Drainage

Surface water is to be disposed of via soakaways and foul water via the mains sewer network. This

is acceptable.

Conclusion

Taking the above into account, the proposal is considered to be in accordance with Policies 2, 3, 4 and 36 of the South East Lincolnshire Local Plan (2019), as well as Sections 12 and 14 of the National Planning Policy Framework (2019).

The recommendation therefore is for a delegated 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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.