

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H02-0584-23	Applicant:	Mr X P Varkichan
Proposal:	Erection of boundary wall and gates - (retrospective) and change flat roof to pitched roof on left hand side of single storey part of dwelling		
Location:	68 Postland Road Crowland Spalding		
Terminal Date:	12th September 2023		

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

02	Development Management
03	Design of New Development
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

Section 9 - Promoting Sustainable transport
Section 12 - Achieving Well-Designed Places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	3	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Proposal is for a 1500mm high border wall and gates at 68 Postland Road, Crowland. A change from a flat roof to two dual pitched roofs is also proposed, alongside proposed render to the dwelling's front elevation.

The wall would be comprised of a 900mm high concrete wall, with 600mm of black metal railings on top, between two 1500mm concrete posts. This wall would measure approximately 6000mm from post to post. To the west of the post would be a black, metal, sliding gate of height 1575mm, followed by a final 1500mm post. It should be noted that if the proposed boundary treatment was moved back, to be two metres from the highway, it may fall under permitted development.

It is proposed that the existing flat roof on the western extension be replaced by two dual pitch roofs. To its peak, this height increase would measure approximately 3600mm. The eaves height would remain consistent.

It is proposed that the principal elevation is covered in white render. Currently, white render is used as a feature in the centre of the principal elevation.

Site Description

The site is within the settlement boundaries of Crowland, as outlined within the South-East Lincolnshire Local Plan, 2019 (SELLP). The property is towards the eastern edge of the settlement, to the north of Postland Road. The area is characterised by residential dwellings, incorporating a mix of designs and materials.

68 Postland Road lies at the end of Postland Road, on a corner plot before Girdlestone Walk. The dwelling, currently, is comprised primarily of pale brown brick, with darker roof tiles. White render is currently present on the centre of the principal elevation and on the existing flat roof side extension.

Relevant History

H02-0241-02 - Full. Erect two storey extension to side of property. Approved 01/04/04.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Highway and Lead Local Flood Authority

"No objection: The new boundary wall at the Postland Road frontage of the property is a sufficient distance away from the edge of the carriageway to not impede the visibility to the right for drivers emerging from Girdlestone Walk into Postland Road. The vehicle access gates are sliding, which intrude less into the plot and the available vehicle manoeuvring area of the property than conventional hinged gates. The change from a flat roof to a pitched roof on part of the building will have no impact upon the operation of the highway. 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 therefore does not wish to object to this planning application".

Environmental Protection

No comments

Cllr Harrison

"I see no reason to object to this application, provided it doesn't impede the visibility of traffic exiting the neighbouring property or Girdlestone Walk".

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, 5 letters of representation have been received, 2 of which are comments and 3 of which are objections.

These can be summarised as:

- Objection - the proposal would detrimentally impact upon visibility and highway safety
- Objection - the proposal would cause overshadowing
- Object - responsibility to maintain the wall
- Comment - the design would be out of character with the established open, rural street scene
- Comment - the proposal would appear alien
- Comment - No objections as long as visibility is not impacted

Planning Considerations

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South-East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, 2021 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, that they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policies 2 and 3 of the SELLP, states that 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.

The removal of the flat roof component of the side extension would be an aesthetic benefit to the property. The flat roof component is currently somewhat of an outlier in the area, where there is a general preference for dual pitch roofs. Therefore, the alteration would likely bring the dwelling more in keeping with the area.

The wall is of a comparable size to those already present in the area. Previously, the property featured a metal railing which was of similar height.

The materials proposed for this wall, concrete and black metal railing, would appear visually incongruous in the area. The materials are not prevalent in the area and would therefore appear alien. Postland Road has a rural, open plan character. The installation of this more urban treatment would be out of character with this established character and would therefore appear incongruous. The design is considered to be out of keeping with area and therefore is visual alien.

The proposed additional render, while not common in the area, would not appear out of character. There is a number of different housing and material types in the area, some of which already incorporate high levels of render. As such, the render would not be out of character for the area.

The council has received several resident comments stating that the proposal is visually unsuitable.

The proposed wall and gate design is considered to be incongruous and as such the proposal does

not conform to Policies 2 and 3 of the SELLP or Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The proposed works, by their nature, would not create any increased overlooking.

It is considered that the alteration in roof pitch would create additional overshadowing. The proposed increase in roof height would reduce the levels of light entering the window on the western elevation of 66 Postland Road. As this window is particularly small and is connected to a habitable room, the impacts of the loss of light would be felt particularly strongly.

The wall would not create additional overlooking or overshadowing.

The proposal therefore fails to conform to Policies 2 and 3 of the SELLP in terms of the amenity impacts of development due to the potential for overshadowing.

Highways and Parking

The relevant consultee from the Highway department stated that boundary wall is a sufficient distance from the edge of the carriageway as to not impede the visibility of drivers. They went on to state that as the gates are sliding, they enable greater manoeuvrability than conventional gates. As such, the proposal conforms to Section 9 of the NPPF in terms of highway safety.

While the comments regarding visibility made by local residents have been noted, the opinion of the Highway Authority ultimately significant weight. The Highway Department, as lead authority on highway safety matters, does not consider the proposal to be unacceptable, therefore, no objections can be made by the Council on highway terms.

The proposal therefore is acceptable from a highway safety perspective and conforms to Section 9 of the NPPF.

Planning Balance

The proposed design of the wall is considered to be out of keeping with the established character of the area. The materials used are not currently seen in the area, and therefore, their introduction would result in an alien feature, out of keeping with the locale. The proposed design is not considered to be in keeping with the rural character established in the area.

While it is accepted that visually the change may be more in keeping with the area, the proposed alteration to the roof would result in an unacceptable loss of light reaching a habitable room of 66 Postland Road. This would detrimentally impact upon the quality of life of the dwelling's occupants.

The proposal would not result in a significant detrimental impact upon highway safety. As such, the proposal conforms to Section 9 of the NPPF.

The representations received have been considered closely as part of the decision process. Ultimately, it is considered that the comments regarding the appearance of the development are significant.

The proposal fails to conform to Policies 2 and 3 of the SELLP and 12 of the NPPF. The planning balance is in against the proposal.

Conclusion

The recommendation is for delegated 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.