

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-0676-22 **Applicant:** Mr L Johnson

Proposal: Erection of dwelling and associated outbuildings - previously approved under H02-0443-20 (retrospective)

Location: Mia Lodge South Street Crowland

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
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

- 5 - Delivering a sufficient supply of homes
- 12 - Achieving well-designed places
- 14 - Meeting the challenge of climate change, flooding and coastal change
- 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is an application at Mia Lodge, South Street, Crowland for the erection of dwelling and associated outbuildings - previously approved under H02-0443-20 (retrospective). Planning permission has previously been granted for the dwelling, garage and outbuildings, however, due to land ownership issues the dwelling has been sited incorrectly to the south of the previously approved location. The detached garage is correctly sited.

The proposal seeks to retain a detached dwelling and garage that would both be accessed from Hereward Way to the south of the site. The dwelling provides a bedroom, bathroom and combined kitchen / living area at ground floor level, with two bedrooms and an en-suite at first floor level. Bedroom 3 will have a south facing side elevation window with two other east facing windows on the front elevation serving Bedroom 2 and Bedroom 3. Further detailed drawings have been provided which provided bricked up fenestration design on the north and western elevations. There are first and ground floor apertures on the north elevation, with a single bricked up door aperture on the western ground floor elevation and three window apertures above. Additional window detailing provides a brick arch soldier course with stone quoins on the corners of each elevation. The barn doors on the front elevation are painted black and fixed to the wall. Materials of construction are a slate roof with the walls constructed from reclaimed style tumbled brick.

The log shed is constructed from pressure treated timber and located adjacent to the 1.8 metre high northern boundary fence. The log shed measures 2.4 metres in width and 1.995 metres in depth, with an eaves height of 1.8 metres and a ridge height of 2.1 metres.

The bike shed is constructed from pressure treated timber and located to the south of the log store. The shed measures 2.427 metres in width and 1.252 metres in depth, with an eaves height of 1.24 metres and a ridge height of 1.73 metres. The bike shed is located to the south of the proposed log shed.

The Dutch barn (garden room) is located forward of the southern elevation and is constructed from pressure treated timber. The barn will measure 2.518 metres in width and 2.472 metres in depth, with an eaves height of 1.834 metres and a ridge height of 2.473 metres.

SITE DESCRIPTION

The dwelling is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design. The proposal is within Crowland Conservation Area. The site is in Environment Agency Flood Zone 3 and subject to low flood hazard and a maximum predicted flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT PLANNING HISTORY

H02-0212-05

Outline - Residential development - one detached bungalow - Refused - 26 April 2005.

H02-0699-09

Full - Proposed single-storey dwelling - Refused - 04 January 2010.

H02-0499-10

Full - Proposed single-storey dwelling - Approved - 05 August 2010.

H02-0100-13 - Land to rear of 75 South Street

Full - Erection of chalet bungalow and double garage and demolition of existing buildings on site -

Dismissed at appeal on highway grounds - 13 February 2014.

H02-0443-20

Full - Erection of Dwelling - Approved - 09 November 2020

H02-0015-22

Full - Shed with cycle shelter attached and detached garden room - part retrospective - Approved - 23 March 2022.

H02-0055-22

Condition Compliance - Details of archaeological report and existing & proposed site levels (Conditions 8 & 11 of H02-0443-20) - Withdrawn as relates to an invalid approval due to the dwelling not being built in the approved location.

REPRESENTATIONS

North Level Internal Drainage Board

No comments.

Crowland Parish Council

"CPC don't consider the plans for the dwelling to be detailed enough to be able to give precise comments. It is unclear what work has already been done prior to this application being approved. Yet another property with access on to Hereward way with no pedestrian access on to an adopted road which is in very poor condition."

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy - Main Service Centres

When assessed against the relevant criteria the following can be observed:

"The dwelling helps to support the role of Crowland as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities."

This application accords with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

When assessed against the relevant criteria the following can be observed:

1. The density of development is comparable to others in the vicinity though admittedly not that of the properties in this section of South Street. The orientation of the property is to minimise any overlooking impact into neighbouring properties. There is not considered to be a new material overlooking impact on the gardens of South Street as they are already overlooked by the existing properties. There is not considered to be any material overshadowing or overlooking on neighbouring properties due to the separation distances involved, 15 metres to 21 South Street to the north, where there are bricked-up apertures on the northern elevation of the proposed dwelling. The separation distance is 11.5 metres to Dennell on Hereward Way to the south, however the windows do not directly face Dennell and there is not considered to be material direct overlooking.

2. The orientation of the property is to minimise any overlooking impact into neighbouring properties with sole rooflight at first floor level on the rear elevation. The proposal seeks to recreate a barn style development and be more in keeping with historic development in the vicinity and the Historic Environment Officer has no objections to the proposed design.

3. Materials of construction are a slate roof with the walls constructed from reclaimed style tumbled brick. These materials are considered to be appropriate for the site.

4. Access is down Hereward Way which is in need of repair. Under Appendix 6 parking provision for

dwelling with a maximum of 3 bedrooms is a minimum of two off road parking spaces. This proposal is in accordance with Appendix 6.

5. The proposal is within the defined settlement limits of one of the largest settlement limits in the district which affords a level of services and infrastructure that are adequate for the area it serves.

6. There is not considered to be an impact on neighbouring land uses from noise, odour or disturbance. With regard to visual intrusion the following can be observed:

Overdevelopment - The proposal is not considered to constitute overdevelopment. The footprint of the dwelling is in keeping with properties to the south and west on Hereward Way and Reform Street.

Overshadowing - When right to light lines to neighbouring properties no properties are impacted by a material loss of light.

Overlooking - There is not considered to be any material overshadowing or overlooking on neighbouring properties due to the separation distances involved, 15 metres to 21 South Street to the north, where there are bricked-up apertures on the northern elevation of the proposed dwelling. The separation distance is 11.5 metres to Dennell on Hereward Way to the south, however the windows do not directly face Dennell and there is not considered to be material direct overlooking.

7. The site is not considered to be impacted by flood risk with surface water drainage addressed by soakaways and foul water addressed by mains sewerage.

8. Whilst the proposal is sited within the conservation area, there is not considered to be any impact on natural habitats, historical buildings or heritage assets.

The proposal accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

When assessed against the relevant criteria the following can be observed:

1. The density of development is comparable to others in the vicinity though admittedly not that of the properties in this section of South Street. The orientation of the property is to minimise any overlooking impact into neighbouring properties. There is not considered to be a new material overlooking impact on the gardens of South Street as they are already overlooked by the existing properties. There is not considered to be any material overshadowing or overlooking on neighbouring properties due to the separation distances involved, 15 metres to 21 South Street to the north, where there are bricked-up apertures on the northern elevation of the proposed dwelling. The separation distance is 11.5 metres to Dennell on Hereward Way to the south, however the windows do not directly face Dennell and there is not considered to be material direct overlooking. A sense of place is not considered to be impacted by the dwelling.

5. There is ample space on site for bin storage, with bicycle storage in the proposed bike shed. Access is down Hereward Way which is in need of repair. Under Appendix 6 parking provision for dwellings with a maximum of 3 bedrooms is a minimum of two off road parking spaces. This proposal is in accordance with Appendix 6.

11. There is not considered to be an impact on neighbouring land uses from noise, odour or disturbance. With regard to visual intrusion the following can be observed:

Overdevelopment - The proposal is not considered to constitute overdevelopment. The footprint of the dwelling is in keeping with properties to the south and west on Hereward Way and Reform Street.

Overshadowing - When right to light lines to neighbouring properties no properties are impacted by a material loss of light.

Overlooking - There is not considered to be any material overshadowing or overlooking on neighbouring properties due to the separation distances involved, 15 metres to 21 South Street to the north, where there are bricked-up apertures on the northern elevation of the proposed dwelling. The separation distance is 11.5 metres to Dennell on Hereward Way to the south, however the

windows do not directly face Dennell and there is not considered to be material direct overlooking.

12. The site is not considered to be impacted by flood risk with surface water drainage address by soakaways and foul water addressed by mains sewerage.

The dwelling is considered to accord with Policy 2 of the SELLP.

Assessment against SELLP Policy 29 - The Historic Environment - Conservation Areas

When assessed against the above criteria the following is observed:

1. The proposal does respect existing street patterns in that development is already sited to the rear of Hereward Way with Dennell sited nearby.
2. The proposal seeks to provide a building that respects the historic built character of the surrounding area.
3. The proposal is for a new building so this criterion is not considered relevant to the application at hand.
4. The proposal is considered to be of comparable height to that of existing buildings on South Street to the north, is of a similar massing and scale, the form is more in keeping than that of the nearby dwelling Dennell which made no attempt to respect the historic built design and character of the conservation area.
5. The proposal is to the rear of South Street and is not considered to have an impact on the townscape, roofscape, skyline and landscape, by virtue of its siting and design.
6. The proposal does not affect any trees on site.

The dwelling is considered to accord with Policy 29 of the SELLP.

PLANNING ADVICE

The proposal seeks to recreate a barn style development and be more in keeping with historic development in the vicinity and the Historic Environment Officer has no objections to the proposed design. The proposal is considered to enhance the conservation area by referencing historic agricultural barns. Therefore, the proposed dwelling accords with Policy 2 of the South East Lincolnshire Local Plan, 2019, is designed to be in keeping with the built character of the surrounding area and does not materially impact neighbour amenity.

The proposal is in accordance with Policies 1, 2, 3, 4, 10, 11, 17, 29, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019 as well as Sections 5, 12, 14 and 16 of the National Planning Policy Framework, 2019.

CONCLUSION

This application is recommended for 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 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.