DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0865-23**	**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 - Re-submission of H02-0584-23		
Location:	68 Postland Road Crowland Spalding		
Terminal Date:	4th December 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

National Guidance

National Planning Policy Framework 2023

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0
SHDC INTERNAL	0	0	1	0
RESIDENTS	2	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Proposal is for a 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. This is a resubmission of H02-0584-23.

The wall would be comprised of a 900mm high concrete wall, with 600mm of black metal railings on top, between two 1350mm concrete posts. The wall would then be rendered white. This wall would measure approximately 6000mm from post to post. To the west of the post would be a black, metal, sliding gate of hight 1450mm, followed by a final 1350mm post.

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 3300mm. 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:

Crowland Parish Council

"Parish Council still has concern about the negative impact of the proposed wall and gate structures on the established street scene, so object to this re-application."

Environmental Protection

No comments

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, three letters of representation have been received, one of which are comments and 2 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

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, 2023 (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 NPPF 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 addition of the black metal railing juxtaposed with the white rendered wall creates a design which is considered to be wholly unsuitable. The addition of the railings would create a design which would be better suited within an urban setting. This severely clashes with the rural character of Postland Road. 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 as such is visual alien.

Paragraph 56 of the National Design Guide, to be read in conjunction with the relevant section of the Planning Practice Guidance, states that well-designed places contribute to local distinctiveness via "drawing upon the architectural precedents that are prevalent in the local area" and "creating a positive and coherent identity that residents (...) can identify with". It is considered, due to the lack of architectural precedent for this feature in the immediate area, as well as the conflict between the rural character and this urban treatment, that the proposed wall fails to conform to this paragraph. Paragraph 57 of the National Design Guide states that "materials, construction details and planting are selected with care for their context". It is considered that the use of black metal railings does not conform to this paragraph. As such it is considered that the proposal fails to embody the principles of good design outlined with the National Design Guide.

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 not create additional overshadowing. The roof pitch and height has been lowered compared to the previous application, which would ensure that sufficient light reaches the adjacent properties.

The wall would not create additional overlooking or overshadowing.

The proposal therefore conforms to Polices 2 and 3 of the SELLP in terms of the amenity impacts.

Highways and Parking

While the comments regarding visibility made by local residents have been noted, it is considered that the proposal would not have a significant adverse impact upon highway safety. There is sufficient distance away from the edge of the carriageway as to not impede visibility for drivers emerging from either the adjacent driveway or from Girdlestone Walk.

The previous application (H02-0584-23) received no objections from the Highway Department. As there has not been an increase in the height of the fence between applications, it is considered that these comments are still valid and relevant.

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 wall design is 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.

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.