

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H02-1085-20 **Applicant:** Mr A Nobbs
Proposal: Proposed three bedroom detached bungalow
Location: Adj. 2 Postland Road Crowland
Terminal Date: 27th January 2021

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 and 14 of the National Planning Policy Framework (2019)

5 - Delivering a sufficient supply of homes

12 - Achieving well-designed places

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	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1

NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application for a proposed three bedroom detached bungalow on land adjacent 2 Postland Road, Crowland. The proposal seeks to provide a single storey dwelling containing three bedrooms, an en-suite, bathroom, lounge, utility, combined kitchen / diner and a lounge. The site will be bordered by a 1.8 metre high timber fence with 0.45 metre high trellis above to the eastern boundary with 2 Postland Road, and the southern boundary with the front garden of the aforesaid. The existing fence at the boundary with 1 Kemp Street will remain at a height of 1.2 metres. The proposal will be constructed from Forterra County Multi Dragfaced brickwork with a slate roof.

SITE DESCRIPTION

The site is on residential garden land to the west of 2 Postland Road and south of 1 Kemp Street. Dwellings are located to the north, west and east of the proposal site with green open space on the opposite side of Postland Road to the south. The site is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and designs. The proposal is Environment Agency Flood Zone 1, and in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metre on the 0.1% 2115 South Holland Strategic Flood Risk Mapping.

HISTORY

H02-0798-17

Full - Proposed dwelling - Refused - 02 October 2017.

H02-0996-17

Full - Proposed dwelling - re-submission of H02-0798-17 - Refused - 08 December 2017. Dismissed at appeal - 13 February 2019.

CONSULTATION RESPONSES

LCC - Historic Environment Officer

No archaeological impact.

LCC - County Highways & SUDS Officer

No objections. This proposal is for the erection of a dwelling, the access meets the guidelines as set out in Manual for Streets and adequate provision for car parking is proposed within the limits of the site, therefore, it is considered that the proposals would not result in an unacceptable impact of highway safety. Requests standard access and utility informatives.

Crowland Parish Council

Objection - The Parish Council objects to this application as it has concerns that the planned building is forward of the building line on Kemp Street, located at a busy junction, and has concerns

that there may be an issue with "right to light" with the Kemp Street neighbour, concerns that the vehicular access crosses parking restrictions as well as over development of the site.

North Level Internal Drainage Board

No objections.

Members of the public

1 no. objection (summarised):

- Sited forward of building line
- Out of character
- Loss of light
- Impact on view
- Overbearing impact
- Loss of property value
- Highway safety

Applicant response to objections

"May I just respond to comments made by the Parish Council, whilst the proposed bungalow is set forward of no1

Kemp Street the site is corner plot with established boundary planting which is to be retained therefore the proposed bungalow will have no impact upon the street scene of Kemp Street."

"Regarding "right to light" comments, the adjacent bungalow of no.1 Kemp Street has two large picture windows to the front elevation & a small high level window (bathroom ?) to the side elevation. We do not believe the proposed bungalow will have any detrimental effect upon the existing property."

PLANNING CONSIDERATIONS

Principle of development

The proposal is for residential development within defined settlement limits, therefore, the principle of development in this location is acceptable.

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Main Service Centres. This section of the policy states:

"Within the settlement boundaries of the Main Service Centres (as shown on the Inset Maps) development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities."

An additional dwelling within defined settlement limits would likely support existing local facilities.

The proposal accords with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"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;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;

4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

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

1. The size, scale, layout and density will have a material impact on the character of the surrounding area which is largely open plan and spacious. The amenity of 2 Postland Road and 1 Kemp Street will be materially impacted by the proximity of the dwelling to 1 Kemp Street and a 1.8 metre high timber fence to 2 Postland Road.
2. The design is bereft of architectural merit and does little to address the reasons for the appeal dismissal of previous application of H02-0996-17. The orientation does attempt to reduce overlooking to 1 Kemp Street but does little to address overshadowing and overbearing impacts.
3. The proposal does not seek to maximise sustainable materials and resources.
4. The access location has been a subject of objection from a member of the public and Crowland Parish Council, due to the proximity to a busy junction, no parking markings, and poor visibility. However, the County Highways & SUDS Officer has no objections to the proposal, therefore, this is not a matter that the Local Planning Authority could reasonably refuse the application on. The proposal offers two off road parking spaces, which meets the minimum requested under SELLP Appendix 6 for a three bedroom dwelling.
5. The proposal will not materially impact existing community services and infrastructure.
6. There is not considered to be a material noise, odour or disturbance impact upon neighbouring properties. However, this revised application is still considered to constitute a material visual intrusion to 1 Kemp Street with regard to overshadowing and being overbearing. Whilst the maximum height has been reduced to that of a single storey dwelling, the footprint has not been materially altered, which generates a loss of light due to being located only 2.9 metres away from 1 Kemp Street at the nearest point. Additionally the north facing side elevation wall of the dwelling projects 4.3 metres beyond the front elevation of 1 Kemp Street which given the dwelling has an eaves height of 2.25 metres and a ridge height of 5.2 metres creates an overbearing, enclosing impact on the front elevation of 1 Kemp Street, in what is an area characterised by an open and spacious character. Additionally the proximity of a 1.8 metre high timber fence adjacent to the front elevation windows of 2 Postland Road is also considered to be out of character and lead to a material overbearing and overshadowing impact. These dimensions do not take into account the need to raise finished floor levels which is discussed further when assessing against criterion 7. When a 45 degree angle is drawn from the front corner of the building it hits approximately halfway across the front elevation window of 1 Kemp Street. Additionally, when a 45 degree angle is drawn from the 5.71 metre high ridge height a material overshadowing impact occurs on the front elevation window of 1 Kemp Street.
7. The proposal site is within Environment Agency Flood Zone 1, and in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metre on the 0.1% 2115 South Holland Strategic Flood Risk Mapping. The reason the application is assessed under different criteria than previous applications is that the proposed dwelling is now single storey rather than two storey. This brings with it a need for increased finished floor levels to safeguard the longevity of the property and the protect any occupants inside. The need to raise finished floor levels will of course have an impact on the final design. Not only will the raised floor levels lead to an out of character development, there will be an impact from being overbearing, overshadowing and overlooking to neighbouring properties, with windows 1 metre higher than the submitted design and the ridge height effectively set at 6.2 metres rather than the 5.2 metres shown on the plans.

The proposal is not considered to accord with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. 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.

Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:

1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

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

1. The proposal materially impacts a sense of space by creating a cramped, incongruous development that is not in keeping the open, spacious nature of other dwellings in the vicinity.
9. The orientation of the buildings on site does not seek to best enable the use of decentralised and renewable low-carbon energy technologies. However, it is not considered that this cannot be realistically achieved on a visually prominent site that is located forward of the building lines with residential development in all locations from the proposal.
11. Residential amenity is considered to be materially impacted by the proposal. This revised application is still considered to constitute a material visual intrusion to 1 Kemp Street with regard to overshadowing and being overbearing. Whilst the maximum height has been reduced to that of a single storey dwelling, the footprint has not been materially altered, which generates a loss of light due to being located only 2.9 metres away from 1 Kemp Street at the nearest point. Additionally the north facing side elevation wall of the dwelling projects 4.3 metres beyond the front elevation of 1 Kemp Street which given the dwelling has finished floor levels a metre above ground level, an eaves height of 2.25 metres and a ridge height of 5.2 metres creates an overbearing, enclosing impact on the front elevation of 1 Kemp Street, in what is an area characterised by an open and spacious character. Additionally the proximity of a 1.8 metre high timber fence adjacent to the front elevation windows of 2 Postland Road is also considered to be out of character and lead to a material overbearing and overshadowing impact. When a 45 degree angle is drawn from the front corner of the building it hits approximately halfway across the front elevation window of 1 Kemp Street. Additionally, when a 45 degree angle is drawn from the 5.71 metre high ridge height a material overshadowing impact occurs on the front elevation window of 1 Kemp Street.
12. The proposal site is within Environment Agency Flood Zone 1, and in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metre on the 0.1% 2115 South Holland Strategic Flood Risk Mapping. The reason the application is assessed under different criteria than previous applications is that the proposed dwelling is now single storey rather than two storey. This brings with it a need for increased finished floor levels to safeguard the longevity of the property and

the protect any occupants inside. The need to raise finished floor levels will of course have an impact on the final design. Not only will the raised floor levels lead to an out of character development, there will be an impact from being overbearing, overshadowing and overlooking to neighbouring properties, with windows 1 metre higher than the submitted design and the ridge height effectively set at 6.2 metres rather than the 5.2 metres shown on the plans.

The proposal does not accord satisfactorily with SELLP Policy 3.

Addressing the reasons for appeal dismissal under H02-0996-17

"along the northern side of Kemp Street and along Postland Road which includes the appeal site, there is generally a consistent arrangement of buildings set back from the highway behind generous frontages, giving this part of the area a distinguishable pattern of development."

"In introducing development of this scale into an area that is currently free of any development, the proposal would erode the open and spacious character and quality of the area.....the new dwelling would be appreciably forward of the frontages, and closer to the highway than the neighbouring bungalows. This combination of siting and scale would create a cramped and incongruous form of development that would appear contrived and at odds with the established pattern of development here...Furthermore, the prominent location of the site would amplify the incongruous effect noted above, particularly in views from along Postland Road and when approaching the site from Hall Street and Cluttons Close."

Whilst the proposal has been reduced to a single storey dwelling, there is a now a need to raise the dwelling one metre above the ground level to address flood risk concerns. The proposal does not accord with the "distinguishable pattern of development" and "would erode the open and spacious character of the area."

PLANNING BALANCE

No appreciable effort has been made to address the previous reasons for refusal and appeal dismissal for other residential schemes on this site. A material overshadowing and overbearing impact remains, and an overlooking impact is now added, due to the need to raise finished floor levels 1 metre above ground level. The proposed leads to cramped, incongruous development that is out of keeping with the character of the surrounding area. For these reasons the application is not considered to accord with Policies 1, 2, 3, 4, 10, 11, 17, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of National Planning Policy Framework, 2019.

CONCLUSION

This application is recommended for 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.