Morton & Hall Consulting Ltd
1 Gordon Avenue
March
Cambs
PE15 8AJ

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764725
DC Officers 01775 764703

planningadvice@sholland.gov.uk
www.sholland.gov.uk

# TOWN AND COUNTRY PLANNING ACT 1990

## FULL

**Reference:** H02-1117-23 **Date of Decision:** 13th February 2024

**Applicant:** Mr S Fradley
1 Owls End
Whittlesey
Cambs
PE7 1RR

**Location:** Rear Of 59 & 61 Postland Road And 59 Postland Road Crowland

**Description:** Proposed 4 bed chalet bungalow with single garage and single garage for No.59 including demolition of existing garage

## South Holland District Council hereby give notice that this application has been REFUSED for the above proposal for the following reason(s):

1 Section 14 of the National Planning Policy Framework (NPPF, December 2023) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 162 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

Despite due consideration given to mitigation measures, the submitted Flood Risk Assessment has not taken into consideration the sequential or exception test and therefore cannot be considered to have been adequately assessed against the site and

area it is located in. Furthermore, if approved, the site would need to be raised around 500mm from ground level due to it being located within Flood Zone 3 of the Strategic Flood Risk Assessment this will make it appear overbearing and harm the area. There has been no evidence to show why the development should be located here in such a high flood zone and therefore the application should be refused for conflicting with Policy 4 of the South East Lincolnshire Local Plan (SELLP, 2019) and Section 14 of the National Planning Policy Framework (NPPF, December 2023).

2 Policy 2 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to 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. Policy 3 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) states that development proposals will demonstrate how an acceptable design of development including residential amenity will be secured. Policy 30 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) states that development proposals will not be permitted where they would lead to unacceptable adverse impacts on the amenities of the area. Paragraph 135 of the National Planning Policy Framework (NPPF, December 2023) states that decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Finally, Paragraph 134 of the National Planning Policy Framework (NPPF, December 2023) states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Due to the design of the garage featuring a gable roof plus being situated in front of the principal elevation of the dwellinghouse this will result in an unacceptable impact to the character and street scene as no other property along Postland Road features a garage in this location. Furthermore, both the design and size of the proposed chalet bungalow appears unacceptable visually and incongruous in comparison to the other existing bungalows in the area, it shall be significantly taller than the other dwellings on its own but also with it being raised 500mm due to flooding reasons this means it will be around 1500mm higher on average. The design also incorporates a gable roof where as the other dwellings use hipped. In conclusion, based on the size, design and positioning of the proposal it conflicts with Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP, 2019) and Section 12 of the National Planning Policy Framework (NPPF, December 2023) and causes significant and unacceptable harm to the character and street scene and should therefore be refused.

3 Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions. Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The proposal by virtue of its scale, positioning and being around 1500mm higher than the surrounding plots would result in significant and material overlooking, overshadowing and overbearing impact upon the existing residents of the bungalows across all elevations. The positioning of the windows would impact privacy in habitable rooms and private amenity spaces whilst direct shadows would also be cast on these areas, additionally, due its placement and height it will look overbearing and harm the outlook of these properties. The proposal is considered to be contrary to Policies 2 and 30 of the South East Lincolnshire Local Plan (SELLP, 2019) as well as Paragraph 135 of the National Planning Policy Framework December (NPPF, December 2023).

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. However, the issues are so fundamental to the proposal, due to the harm which has been clearly identified within the reason(s) for the refusal, that approval has not been possible.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

The determined plans are:

Application Form
H9216/00
H9216/01B
H9216/02A
H9216/03A
Design & Access Statement
Flood Risk Assessment

**Phil Norman**
**Head of Planning**
**South Holland District Council**

# RIGHTS OF APPEAL

## Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

## Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

| 12 Weeks | 6 Months | 8 Weeks |
|---|---|---|
| Householder Applications | Planning Permission | Consent to Display Adverts |
| Minor Commercial Development | Listed Building Consent | |
| Agricultural Determinations | Other Prior Approval Applications | |
| Householder Prior Approval Applications | | |

https://www.gov.uk/appeal-householder-planning-decision

https://www.gov.uk/appeal-planning-decision

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planning inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

## Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**.

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in

giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

## Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

## Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.