DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H04-0399-20**	**Applicant:**	**Miss F Jackson**
Proposal:	Erection of 3 bed detached chalet bungalow with off road parking and access		
Location:	11 Badgate Road Donington Spalding		
Terminal Date:	15th July 2020		

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

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 & 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	1	0	0
WARD MEMBER	0	2	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	2

RESIDENTS	2	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an application for the erection of a 3 bed detached chalet bungalow with off road parking and access on garden land at 11 Badgate Road, Donington. The proposal seeks to provide a dining room, hall, lounge, utility, water closet, bedroom and an en-suite at ground floor level. In the roof space at first floor level, two bedrooms, a bathroom and a landing are to be provided. No side elevation windows are to be sited at first floor level. The existing 1.8 metre high boundary fence to the side and rear will be retained, with a new 1.8 metre high timber fence at the boundary with 11 Badgate Road. The exterior materials of dwelling will be constructed from render and timber cladding, with tiles for the roof. Exact details would be addressed by condition. Two off road parking places are provided for the dwelling with two parking places retained for the host dwelling at 11 Badgate Road.

Site Description

The proposal is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design. The dwelling will be sited on the garden to the side of 11 Badgate and will constitute a frontage dwelling. The site is in Environment Agency Flood Zone 1, and is not subject to increased hazard or floor level on the 2115 South Holland Strategic Flood Risk Maps.

History

None

Consultation Responses

SHDC - Councillor Walsh

Support

SHDC - Councillor King

Support

SHDC - Environmental Protection Officer

No objections.

LCC - County Highways & SUDS Officer

No objections. Requests a standard utility informative.

Donington Parish Council

Support

Anglian Water

The applicant will need to contact Anglian Water for permission to develop above their pipes.

Members of the public - 3 - Objections

Overlooking
Rear elevation dormer should be replaced with a velux window.
Pre-app advice suggested a single storey dwelling
Location of foul sewage water pipe on site.
Bedroom of 13 Badgate Road is adjacent to proposed dwelling.
Proposed dwelling footprint is not pegged out on the land.
Lack of local services.
Out of character
Need for development

Planning Considerations

Principle of development

The site is within the defined settlement limits of Donington and is currently in residential use, therefore, the principle of residential development on this land is considered acceptable.

Flood risk

The site is in Environment Agency Flood Zone 1, and is not subject to increased hazard or floor level on the 2115 South Holland Strategic Flood Risk Maps. Therefore there is not considered to be a reason to raise the finished floor levels of the proposed dwelling.

Overlooking and rear elevation dormer

There is not considered to be a material overlooking aspect arising from this proposal. The proposed dwelling is not set back from other dwellings in the vicinity and the window locations are considered to represent a standard frontage situation. There is not considered to be a material planning reason for amending the rear dormer serving bedroom 2. The distance to the conservatory of 9a Badgate Road is 15.6 metres and the proposed first floor rear window windows do not directly face the rear garden of 9a Badgate Road, or any other properties or gardens.

Pre-app advice suggested a single storey dwelling

The response given to pre-application enquiry PE-00098-20 was on the basis of the submitted enquiry plans which show a bungalow. However, no advice was given that solely a single storey dwelling would be appropriate on site.

Location of foul sewage water pipe on site

Anglian Water have stated that the applicant would need to apply to them should they wish to install a dwelling above a drain for which they are responsible.

Bedroom of 13 Badgate Road is adjacent to proposed dwelling

There is not considered to be a material impact from the proximity of the downstairs bedroom at 13 Badgate Road to the proposed western elevation of the proposal, beyond which would be sited a downstairs bedroom, utility and combined kitchen / dining area. The side elevation of 13 Badgate Road contains no windows and doors and is sited 1.25 metres from the proposed development.

Proposed dwelling footprint is not pegged out on the land

This is not considered to carry material planning weight. A determination can be made on the impact of the dwelling by viewing the submitted plans which are publicly available on the South Holland District Council website.

Lack of local services

The proposed dwelling is sited within the defined settlement limits of Donington, therefore, the principle of development is acceptable on this site, provided an appropriate design is brought forward. The lack of local services is not within the responsibility of the applicant for this scale of development, and no developer contributions are required.

Out of character

There is no defined built character to the surrounding area and the proposed dwelling is not considered to be visually discordant or overly imposing in comparison to other dwellings in the vicinity.

Need for development

The site is within the defined settlement limits of Donington and is currently in residential use, therefore, the principle of residential development on this land is considered acceptable.

Conclusion

There is not considered to be any material harm to neighbouring residential amenity from overlooking or overshadowing. The design, scale and layout is considered to be appropriate for the site and does not materially impact the character of the dwelling or the surrounding area.

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, 2019.

A delegated approval is considered to be appropriate.

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.