

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-0925-21 **Applicant:** Mr B Rudd
Proposal: Erection of bungalow & garage - outline approval H04-0632-20
Location: Adj. 4 Goxhill Avenue Donington Spalding
Terminal Date: 2nd November 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
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development
 Section 3. Plan making
 Section 4. Decision making
 Section 5. Delivering a sufficient supply of homes
 Section 8. Promoting healthy and safe communities
 Section 9. Promoting Sustainable transport
 Section 11. Making effective use of land
 Section 12. Achieving well-designed places
 Section 14. Meeting the challenge of climate change, flooding and coastal change
 Section 15. Conserving and enhancing the natural environment.
 Section 16. Conserving and enhancing the historic environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	0	1	0	0

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission was granted for a single dwelling adj. 4 Goxhill Avenue, Donington in October 2020 (ref. H04-0632-20). Reserved matters approval is now sought for a 3-bed bungalow under this application.

Site Description

The proposal site is within the Donington Conservation Area, however, Goxhill Avenue is a private roadway and therefore, this site is very difficult to view from the public realm, even taking into consideration the site's adjacency to the Flinders Park. The area in general is characterised by largely late 20th century and later development, however, there is some small amount of 19th Century cottages within visual range. Furthermore, the access archway to Goxhill Avenue is directly opposite to the locally important and Grade II listed Red Cow Inn. However, given the distance of this proposal plot from the entranceway, it cannot be considered that this proposal site is in the setting of that structure.

Relevant History

H04-0499-17

Erection of detached bungalow and garage. Approved on 05-01-18

H04-0913-18

Reserved matters relating to the erection of detached bungalow - Outline application H04-0499-17. Non-determination.

H04-0632-20

Erection of detached bungalow and garage - outline. Approved on 09-10-20

Consultation Responses

Local Highway and Lead Local Flood Authority-
Does not wish to restrict the grant of permission.

Black Sluice Internal Drainage Board-

It is understood that the applicant intends to discharge surface water via soakaways. If this is the case, then any soakaways or infiltration systems should be designed and proved in accordance with BRE Digest 365 or other approved code. Evidence that soakaways are suitable for the site should be submitted to the planning authority for their approval. Discharge to any watercourse will require prior written consent from the Board. The existing ground level of the site should not be raised above the level of any surrounding land unless measures are taken to prevent possible flooding or waterlogging of any neighbouring land or property.

Public (1 comment)-
In support.

Planning Considerations

Principle

The principle of a dwelling on the site has already been established by virtue of the outline consent (ref. H04-0632-20). This application is therefore to assess the reserved matters, namely:

- i) the layout, scale and external appearance of the building(s) (including a schedule of external materials to be used);
- ii) the means of access to the site; and
- iii) the landscaping of the site (including boundary treatment).

Layout, Appearance and Scale

Reserved matters approval is sought for a 3-bed bungalow. It would be constructed of facing brickwork in St Andrews Multi by Traditional Brick and Stone Ltd with Grey Marley Modern roofing tiles. There is a mixture of external finishes to nearby properties and a buff brick type would be acceptable in this context. Furthermore, the site is set to the south of a row of detached dwellings, which are similar 'backland' plots. The proposed 3 bed bungalow would be situated on part of the existing large plot of no.4 Goxhill Avenue and would not materially harm the character or appearance of the area.

The new dwelling would be single storey with finished floor levels set at 3.70m OD, which is comparable to neighbouring properties. The scale would therefore not be out of keeping with existing development in the vicinity. The positioning of the dwelling would be in keeping with that of surrounding plots.

The elevation closest to no. 11 would have 'blind windows' as a feature to balance the fenestration as well as ensure adequate privacy.

The low key landscaping scheme is considered appropriate for a site in this location.

Taking the above into account, the external appearance, layout and scale of the proposal is considered to be acceptable and the proposal in accordance with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; and size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings and the landscape character of the location, which this application is considered to comply with and is therefore considered acceptable.

Heritage Impact

The proposal site is within the Donington Conservation Area, however, due to its secluded location, the Local Planning Authority does not consider there to be any risk presented to the value, significance or character of any designated or non-designated heritage assets. This is because Goxhill Avenue is a private road with extremely limited visibility from the public realm, save for some obscure views from Flinders Park. Furthermore, Goxhill Avenue already plays host to a large range of more modern (mid C20th onwards) residential development, which a proposal such as this (depending upon final design) would remain largely in keeping with.

It can be determined that the proposed dwelling would have no impact upon the value or significance of the Donington Conservation Area or any nearby heritage assets, but must be considered to help to conserve the historic environment in line with Section 16 of the National Planning Policy Framework (2021).

Residential Amenity

It is not considered that the proposed development would have a material amenity impact in terms of overlooking, loss of light or being overbearing in nature.

The western elevation of the proposed bungalow would face existing frontage development off Goxhill Avenue and be opposite no.11 Goxhill Avenue. The elevation closest to no. 11 would have 'blind windows' as a feature in order to prevent a material loss of privacy issue. The north elevation

would face the long garden of no.4 Goxhill Avenue and the side facing bedroom window would be approx 24m from the first floor windows to no. 4. To the east, Matthew Flinders Park is situated across the entire width of the eastern side of the site. No.10 Goxhill Avenue is situated to the south of the proposed bungalow, with a maximum width of approx. 1m away from the boundary. 2m high closeboard fencing is proposed to the boundaries of the site where necessary. This property is single storey.

Given that the proposed finished floor and external ground levels would be comparable to neighbouring properties a 2m high close board fencing would be sufficient to prevent a material overlooking aspect.

Given the separation distance to the property to the north and the approx. 7.8m distance to the facing elevation of the dwelling to the south, it is not considered that there would be a material overshadowing or overbearing impact.

Taking the above into account, the proposed dwelling is considered to be compliant with Policies 2 and 3 in the SELLP, 2019 in terms of residential amenity.

Access and Parking

Vehicular access would be situated in the north-western corner of the site with a permeable block paved drive. The Highway Authority have raised no objections to the proposed vehicular access on highway safety grounds.

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision. 2no. car spaces must be provided within the curtilage for dwellings up to 3 no. bedrooms. The drive to the front is clearly sufficient to accommodate this number of vehicles. Therefore, the proposals will ensure appropriate car parking provision and comply with Appendix 6 of SELLP 2019.

Other considerations

There are no known permeability issues that would preclude the effective functioning of soakaways in this part of South Holland.

Planning Balance

The proposal satisfactory complies with the reserved matters and is in accordance with Policies 2, 3, 4 and 36 of the South East Lincolnshire Local Plan, 2019. There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

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.

Conclusion

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.