

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H07-0324-24 **Applicant:** Mr P Clough
Proposal: Erection of 1 dwelling - Outline Approval H07-0971-21
Location: Land Adjacent To Corner Lodge West Drove South Gedney Hill
Terminal Date: 6th June 2024

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
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development.
Section 3 - Plan making.
Section 4 - Decision making.
Section 5 - Delivering a sufficient supply of homes.
Section 9 - Promoting sustainable transport.
Section 12 - Achieving well-designed and beautiful places.
Section 14 - Meeting the challenge of climate change, flooding and coastal change.
Section 15 - Conserving and enhancing the natural environment.

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

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The site is the southern section (plot 1) of an area of land that has outline planning permission for 2 bungalows (ref. H07-0971-21). Reserved matters approval is now sought for a 3 bed chalet bungalow (one and a half storey), plus detached double garage/store at the rear.

Description

The site is located on the western side of West Drove South and is currently associated with Corner Lodge (chalet bungalow). It is partially occupied by an outbuilding. Corner Lodge is located to the north-east and a chalet bungalow to the south-west (New Lodge, No. 4 West Drove South). Residential development is situated opposite.

Policies/Constraints

The site is within the settlement limit defined within the South East Lincolnshire Local Plan, 2019.

Planning History

H07-0391-18 - Outline - Residential Development - Erection of 2 Bungalows - Approved 27 June 2018.

H07-0971-21- Outline - Residential Development - 2 Bungalows - Approved 9 November 2021.

Consultation Responses

The responses received from consultees during the initial consultation exercises can be summarised as follows:

Gedney Hill Parish Council

- The parking seems excessive.
- Overshadows the neighbours.
- Not in keeping with other properties.
- Small garden when compared to others in the area.

LCC Highways

No objections subject to informatives.

South Holland Internal Drainage Board

If the applicant proposes to discharge surface water to a watercourse, either directly or indirectly (eg. via a surface water sewer which outfalls into a watercourse within the IDD), consent would be required under Byelaw 3.

Environmental Protection

No comments.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. Objections have been received (summarised):

- Prime example of back garden development which should be discouraged as would set a precedent.
- Stand further forward and higher than nearby properties. Out of character.
- Blockage of sunlight/natural light/overshadowing.
- Loss of privacy.
- West Drove South only of single carriageway width and not a through road.
- Insufficient green space forming what would appear to be rear garden.
- Object to gate at rear being retained since could be used to gain easy access to neighbouring properties.
- No fence presently at rear.

Key Planning Considerations

The principle of residential development on the site has been established by virtue of the outline consent (ref: H07-0971-21 - 2 Bungalows). This application is therefore to assess the reserved matters in respect of plot 1; 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).

A separate discharge of conditions application will need to be submitted to discharge other conditions relating to drainage, contamination, ecology/biodiversity, etc.

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms 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 (updated December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Layout, scale and external appearance

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as quality of design, size, scale, layout density and impact on the character and appearance of an area and the relationship to existing development. Policy 3 indicates that development proposals should be high quality and be appropriate to the character and appearance of an area. They also set out that residential amenity and the relationship to existing development and land uses is a main consideration when making

planning decisions.

These policies accord with the provisions of the National Planning Policy Framework (December 2023) and require 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. Paragraph 135 of the Framework 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 application is for a 3 bedroom chalet bungalow to be constructed in Ibstock Ivanhoe bricks and Marley Edgemere tiles, with uPVC windows. The detached garage at the rear would be constructed in weatherboarding.

Existing development within the vicinity is generally mixed in terms of dwelling types and materials, including houses, chalets and bungalows. A relatively large chalet bungalow (New Lodge, No. 4 West Drove South) is situated to the south-west and a chalet bungalow (Corner Lodge) to the north-east beyond plot 2. The proposed dwelling is situated further forward than New Lodge. However, the building line at this particular point is varied. Although New Lodge is positioned further back, it has a detached double garage within its front garden forward of the dwelling. Nos. 3 and 5 West Drove South opposite are also positioned close to the highway.

Taking into consideration the aforementioned factors it is considered that the proposed dwelling would not materially harm the character or appearance of the locality. The proposal therefore accords with Policies 2 and 3 of the SELLP in this respect.

In terms of amenity, the proposal is for a one and a half storey dwelling sited to the north-east of New Lodge. The latter has ground floor windows (secondary lounge, bedroom 3, bathroom and dining room) and a first floor window (bedroom 5) on its north-eastern elevation facing the site. It has a principal lounge window on its front elevation nearest the site. Concerning possible overshadowing/loss of light, the proposed dwelling may block some early morning sunshine during the summer months; however, the front projection is of reduced height (single storey) to help alleviate this. Overshadowing/loss of light would not be such as to justify refusal given the general orientation and relationship of the two properties.

In respect of overlooking/lack of privacy, the proposed dwelling has an attached garage/access way on its south-western elevation. Hallway and secondary lounge/sitting area windows are set back and there are no windows on this elevation on its upper floor. Rooflights are positioned on the rear elevation serving bedrooms. However, overlooking of neighbouring property from them would either be oblique or at a distance, synonymous to a typical frontage situation. Finished floor levels would be set at 300mm and there is an existing closeboarded fence (height approximately 2 metres) along the south-western boundary. The proposed detached garage runs along a significant proportion of the rear boundary and there is presently a 1.8m fence associated with Stokes Lodge to the north-west beyond a narrow strip of land.

Overall and taking into account the aforementioned, it is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, blockage of light, overshadowing, noise and disturbance, etc.

The proposal therefore satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 on amenity grounds.

Means of access

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage.

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the Framework advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

The site is part of an area of land that already has outline consent for residential (ref. H07-0971-21). No objections are therefore raised in principle. Sufficient on-site parking has been provided and the access is considered suitable.

The County Highways Authority raises no objections on highway safety grounds. The proposal therefore accords with Policies 2, 3 and 36 on highway grounds.

Landscaping

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as impact or enhancement for areas of natural habitats. Policy 3 indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

An existing frontage Leylandii hedge would be removed; however, it is of limited ecological value. New native hedging (Hawthorn) is proposed, along with tree planting (*Sorbus aucuparia*). The landscaping scheme is considered acceptable, on balance. Biodiversity will be addressed as part of a separate discharge of conditions application.

Planning Balance

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The development hereby proposed would not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

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

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 2, 3, 4, 10, 11, 28 and 36 of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (December 2023).

There are no significant factors in this case that indicate against the proposal and outweigh the considerations in favour of the proposal and the policies referred to within the development plan as a whole.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.