DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H07-1155-19**	**Applicant:**	**Mr M Rowell**
Proposal:	Erection of detached dwelling		
Location:	Adjacent: 22 Station Road Gedney Hill Spalding		
Terminal Date:	20th February 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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

11. Making effective use of land
12. Achieving well-designed places
12. Meeting the challenge of climate change, flooding and coastal change

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

OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the erection of a detached dwelling adjacent to 22 Station Road, Gedney Hill.

Site Description

The proposed dwelling would sit within the curtilage of the existing bungalow (no. 22). It would sit between two detached bungalows, one to the south and one to the north of the dwelling.

Dwellings to the north of 22 Station Road are mostly detached and situated on large, spacious plots. There are a mixture of single storey and two storey dwellings. However, it should be noted that a similar house design has been built on a similar sized plot on the other side of Station Road only a few metres north on the opposite side of the road.

The site currently accommodates a detached metal shed and other open storage facilities. The existing attached garage for no.22 would have to be demolished to accommodate the proposed development.

History

No planning history.

Consultation Responses

SHDC Environmental Protection Officer - Requests standard contaminated land condition.

Lincolnshire County Council Highways & SUDS - Request two informatives regarding the highway and vehicular access.

South Holland Internal Drainage Board - Provides comments re consent process, if required. No objections.

Resident (1 objection, summarised) -
- Concern re overlooking onto property

Planning Considerations

- Policy/principle
- Layout, scale and appearance
- Flood risk
- Impact upon residential amenity

Policy/Principle

The site is inside Gedney Hill Settlement Boundary as defined in the South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 (Spatial Strategy) of the SELLP indicates that within Minor Service Centres, including

Gedney Hill, development will be permitted that supports their role as a service centre for the settlement itself, helping to sustain existing facilities or helps to meet the service needs of other local communities. Development will normally be limited to allocated and committed sites and infill.

The proposal would be carried out on a plot between existing dwellings, therefore this development can be considered infill development. Furthermore, the intended dwelling could entail the arrival of new residents to Gedney Hill, or encourage existing residents of Gedney Hill to remain within the village, who would potentially use the services and facilities of the village, most of which are within a reasonable 500m walk of the site. Overall, it is deemed that the proposal would help sustain existing facilities in line with Policy 1 of SELLP. Therefore, the principle of development for the proposal on the application site would be acceptable.

Layout, scale and appearance

The proposed dwelling is approx. 6m in width and 15m in depth. The dwelling is proposed to be two storey, containing a single storey sun lounge to the rear of the property.

The plot itself is approx. 9.2m wide and 41m deep. The proposed dwelling would be approx. 1.2m from the boundary of the property to the south and be approx. 2m to the boundary to the north, as well as approx. 5m from the side elevation of the property to the north.

Existing dwellings on this part of Station Road tend to be situated on larger and more visually spacious plots. It is accepted that there are two properties that have recently been built on narrower plots over the road (No's. 19a and 19b Station Road), however these are wider than the application site at approx. 13m and 10.5m respectively and vehicle access is available down the side of each property. The lesser width of the application site means that this is not possible and it is considered that it would simply be a step too far on this occasion to attempt to accommodate a dwelling on this plot. The development will also include removing the attached single garage to the bungalow situated to the south in order to accommodate the proposed dwelling. This only serves to demonstrate the narrow nature of the site. The dwelling would appear visually cramped and at odds with existing development to the west of Station Road.

The proposed appearance of the dwelling in considered to be acceptable in light of its comparability to No. 19b.

Given the above, it is considered that the proposed development does not accord with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as 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.

Flood risk

The site is within Flood Zone 1 within the Environment Agency Flood Maps and also an area of no hazard within the South East Lincolnshire Strategic Flood Risk Assessment, 2017. The proposal therefore passes the sequential test.

The proposal satisfactorily complies with Policy 4 of the South East Lincolnshire Local Plan, 2019.

Impact upon Residential Amenity

No windows are proposed to be facing north or south of the property at first floor, apart from the bathroom windows which would be obscure glazed. The existing properties either side are single storey meaning that there should be no overlooking in respect of ground floor side facing windows.

In terms of the relationship with properties opposite, it would be no different to a typical front to front relationship either side of a road.

In terms of overshadowing, given the path of the sun, there is the potential for an overshadowing effect on No. 20 to the north. After conducting a 25 degree BRE daylight/sunlight loss test on the plans provided, it has been concluded that a loss of daylight/sunlight to this property may occur. In the absence of a daylight/sunlight study, the Local Planning Authority cannot be content that the impact would be acceptable.

Given the above, it is not considered that it has been demonstrated that the proposal would comply with Policy 3 of the South East Lincolnshire Local Plan (2019) in respect of its provision for residential amenity.

Conclusion

The principle of residential development on the application site is acceptable when assessed against Policy 1 of the Local Plan. However, the proposed dwelling would appear overly cramped when considered in the context of existing development in the vicinity. This would be to the detriment of the character and appearance of the area. Furthermore, in the absence of a daylight/sunlight study, the Local Planning Authority is unable to determine whether the impact of the proposed development on the property immediately to the north of the application site would be acceptable.

In light of the above considerations the proposal is considered to be contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019 and Section 12 of the National Planning Policy Framework (NPPF), 2019. It is also considered to be contrary to Sections B2 of the National Design Guide which require a site's context to be taken into consideration.

The recommendation is therefore for a delegated 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 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 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 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.