

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H08-0193-22 **Applicant:** Scenic Homes
Proposal: Replacement dwelling including demolition of existing dwelling
Location: 38 Siltside Gosberton Risegate Spalding
Terminal Date: 21st April 2022

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
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed places
Section 14 - 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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	1	0
SHDC INTERNAL	0	0	1	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for a proposed replacement dwelling at no.38 Siltside, Gosberton Risegate. The proposal is for a 3 bed detached dwelling.

Site Description

The site is situated within the settlement boundary of Gosberton Risegate, according to inset map no. 42 in the South East Lincolnshire Local Plan (2019).

The site is a frontage plot between a detached dwelling currently being built adjacent (south-west) and then attached to a two-storey semi detached dwelling (number 36). There is an open field situated to the rear of the property.

The dwelling is currently in a dilapidated state and has clearly not been maintained. The existing dwelling has a history of alterations, which has diminished its character.

History

H08-0568-07- Refusal 28-06-07- Proposed replacement dwelling.

H08-1448-07- Appeal Dismissed 20-06-08- Proposed replacement dwelling (re-application after refusal H08/0568/07).

H08-0809-21- Approved 20-09-21- Residential Development - Erection of Detached Dwelling.

Consultation Responses

Welland & Deepings IDB- No comments.

SHDC Environmental Protection Officer- No comments.

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

SHDC Conservation Officer- No objection to the principle of this application. The site is not within a conservation area, nor is it situated within visual range of any listed or otherwise heritage-protected structures. However, the proposal does include the demolition of a C19th cottage. Whilst the loss of such aged structures is in many cases regrettable, the extant structure on site is not a particularly remarkable or unmolested example of its type.

Therefore, I have no objections to the erection of a new property in the stead of the extant, and given the non-protected setting, the design (utilising some character features such as dentilation, brick arches, stone cills, slate roof, and timber gallows porch) are appreciated. The officer should continue to determine the application in accordance with all relevant policy and guidance positions.

Planning Considerations

Principle

The site is located within the settlement boundary for Gosberton Risegate, as set out in the South East Lincolnshire Local Plan (2019). Gosberton Risegate sits in the Other Service Centres and Settlements tier of the settlement hierarchy (Policy 1: Spatial Strategy) in the Local Plan. This policy states that: "Development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to Committed sites and infill". The proposed development remains as infill development and is therefore acceptable in principle.

Historical Context

Previous applications for a replacement dwelling on the site were refused, and one subsequently dismissed at appeal, on the basis that it would result in the loss of a dwelling of architectural and historic merit, and despite some inappropriate cosmetic alterations, its retention and refurbishment would have been preferred to its replacement.

However, the building is not listed and since those applications were considered, approval has been granted for a new detached dwelling of modern appearance immediately adjacent, which is now under construction.

SHDC's Conservation Officer has been consulted on the application and commented the following:

"The site is not within a conservation area, nor is it situated within visual range of any listed or otherwise heritage-protected structures. However, the proposal does include the demolition of a C19th cottage. Whilst the loss of such aged structures is in many cases regrettable, the extant structure on site is not a particularly remarkable or unmolested example of its type.

Therefore, I have no objections to the erection of a new property in the stead of the extant, and given the non-protected setting, the design (utilising some character features such as dentilation, brick arches, stone cills, slate roof, and timber gallows porch) are appreciated."

On the basis of the above, there is not considered to be any material conflict with Policy 29 of the Local Plan, which seeks to preserve the significance of both designated and non-designated heritage assets.

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and 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 and sympathetic to local character and history, including the surrounding built environment and landscape setting; 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, among other considerations. Likewise, Policy 2 of the SELLP states 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.

The proposed dwelling will have a maximum depth of approx. 6.5m and a maximum width of approx. 7.6m. The overall maximum height will be approx. 7m. Overall the proposed size of the dwelling is considered to be a suitable size, having regard to the overall size of the plot which is approx. 20m deep and 9.5m wide. The new dwelling will be set back from the road a similar distance to neighbouring properties and the two storey scale is in keeping with existing development in the vicinity.

The proposed materials include Marley Edgemere Smooth Grey or similar roof tiles, Farmhouse Antique facing brick, cream pvc-u windows and a black composite door and rainwater goods. The existing adjoining property to the east is grey rendered and the newly constructed dwelling to the west is constructed of similar materials to the proposed. Given the overall variety of materials in the area, those proposed will not have a detrimental impact upon the surrounding character of the area. The character/design of the proposed dwelling is a similar concept to that being constructed adjacent.

Taking the above into account, the proposed dwelling is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale.

Impact upon Residential Amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

There are no windows proposed to the side elevations that would impact upon the privacy of the properties to the west and east. The proposed dwelling does not extend past either the front or rear

elevation of the property to the east and only marginally past the rear elevation of that being built to the west. Given that the only side facing windows to the latter are to non-habitable spaces and there are unlikely to be any on the side elevation of the property to the east once the existing is demolished, it would appear that there will not be a material overbearing or loss of light impact.

The proposed dwelling is tantamount to normal frontage development along this road, and is not considered to be situated any closer than is typically accepted to the neighbouring dwellings.

Taking the above into account, the proposed dwelling is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity.

Flood Risk

The site is located within Environment Agency Flood Zone 2 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) identifies the site as not being affected or at risk from flood hazard or flood depth. The submitted Flood Risk Assessment recommends that the finished floor levels for be set at 300mm above existing ground level and this would be conditioned as such.

Parking provision

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

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed two storey dwelling will not materially harm the character or appearance of the locality or amenity of nearby residents. Despite the age of the building, SHDC's Conservation Officer has no objection to its loss due to its character having been diminished through incremental alterations. Furthermore, the proposal is acceptable on flood risk and highway grounds. It is therefore considered to be in accordance with Policies 2, 3, 4 and 29 of the South East Lincolnshire Local Plan, 2019.

Conclusion

The recommendation is for a delegated approval.

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.