DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H08-0304-21**	**Applicant:**	**Mrs C Wilson**
Proposal:	Erection of Single Storey Dwelling		
Location:	Rear Of 2 & 4 Godfrey Avenue Gosberton Spalding		
Terminal Date:	19th May 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
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 and 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	0	0	0
WARD MEMBER	0	0	0	0
RESIDENTS	2	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application for the erection of a single storey dwelling on residential garden land to the rear of 2 and 4 Godfrey Avenue, Gosberton. The proposal seeks to provide three bedrooms, a dressing room, en-suite, bathroom, lounge, kitchen / diner and a utility / store room. A detached single garage will be provided to the front of the plot. Proposed materials would be addressed by condition. The eaves height of the building is approx. 2.55 metres and the ridge height is 4.66 metres.

SITE DESCRIPTION

The site is currently residential garden land within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and designs. The site is primarily within Environment Agency Flood Zone 1, although part of the site is within Flood Zones 2 and 3. The plot is not subject to increase flood depth or flood hazard on the 1% 2115 South Holland Strategic Flood Risk Mapping. Dwellings to the north and west of the site at 10 to 16 Belchmire Lane are bungalows with the dwellings to to the north, east and south being two storey dwellings.

HISTORY

H08-0914-05

Full - Alterations and ground floor extension to house - 24 August 2005,

CONSULTATION RESPONSES

Members of the public - 2 - objections(summarised)

Does not provide affordable housing - This is only applicable to 10 dwellings or greater.
Loss of view - There is no right to a view over land outside of ones ownership.
Proximity to conservation area - The proposal is not immediately adjacent to or visible from the conservation area.
Overdevelopment
Overshadowing
Overlooking
Overbearing
Loss of amenity space

PLANNING CONSIDERATIONS

Principle of development

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 site is inside the settlement boundary for Gosberton as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) indicates that within Minor Service Centres, including Gosberton, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. No objections are therefore raised in locational terms.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:
1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the

area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the above relevant criteria the following can be observed:

1. The size, scale and layout is considered to be acceptable for the site. The plot size is comparable to those of other dwellings in the area and is not considered to materially adversely impact the character and appearance of the surrounding area since it is single storey and located to the rear of a two storey property.

2. The design is considered to be appropriate for the site and is orientated to minimise amenity impact and allow best manoeuvrability of vehicles.

3. The proposed materials of construction would be addressed by condition.

4. The proposal seeks to utilise the existing vehicular access at 2 Godfrey Avenue and extend the driveway to rear of the dwelling. 2 Godfrey Avenue and the new three bedroom dwelling will both have two off road parking spaces which is the minimum requested amount under Appendix 6 of the SELLP for dwellings on this size.

5. Existing community services and infrastructure will not be affected by this proposal.

6. There is not considered to be a material increase in noise, odour or disturbance arising from this proposal. With regard to overlooking, the site is bordered by a 1.8 metre high fence and there is no fenestration on site that exceeds this height. There are bungalows to the north-west and the rear gardens of properties adjoin the south-eastern boundary of the bulk of the site. There would therefore be no material overlooking aspect in either of these directions. There is some degree of overlooking from the adjacent two storey dwellings toward the site, however, they are at a sufficient distance (21m minimum), and at such angles, that material overlooking would not occur. In addition, there is not considered to be a material overbearing impact. A four metre high curtilage building could be installed on site under permitted development and the maximum height of this building is not materially higher at 4.66 metres. The agent has submitted shadowcast reports to demonstrate that properties in the vicinity, including Door Knap, to the north, will not be materially impact by a loss of light throughout the day. This is due to the low height of the bungalow and the siting of the bungalow in relation to other dwellings.

7. The site is primarily within Environment Agency Flood Zone 1, although part of the site is within Flood Zones 2 and 3. The plot is not subject to increase flood depth or flood hazard on the 1% 2115 South Holland Strategic Flood Risk Mapping. There is not a planning requirement to raise finished floor levels to address flood risk in this location.

The proposal accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. 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.
Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:
1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;

2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

When assessed against the above relevant criteria the following can be observed:

1. A sense of place is not considered to be impacted by this proposal. The bungalow footprint and plot size is comparable to other developments in the area and the bungalow will be largely obscured from view due to it's comparatively low height and position to the rear of existing two-storey dwellings.

5. The proposal has adequate space on site for bin and cycle storage. The proposal seeks to utilise the existing vehicular access at 2 Godfrey Avenue and extend the driveway to rear of the dwelling. 2 Godfrey Avenue and the new three bedroom dwelling will both have two off road parking spaces which is the minimum requested amount under Appendix 6 of the SELLP for dwellings of this size.

11. There is not considered to be a material increase in noise, odour or disturbance arising from this proposal. With regard to overlooking, the site is bordered by a 1.8 metre high fence and there is no fenestration on site that exceeds this height. There are bungalows to the north-west and the rear gardens of properties adjoin the south-eastern boundary of the bulk of the site. There would therefore be no material overlooking aspect in either of these directions. There is some degree of overlooking from the adjacent two storey dwellings toward the site, however, they are at a sufficient distance (21m minimum), and at such angles, that material overlooking would not occur. In addition, there is not considered to be a material overbearing impact. A four metre high curtilage building could be installed on site under permitted development and the maximum height of this building is not materially higher at 4.66 metres. The agent has submitted shadowcast reports to demonstrate that properties in the vicinity, including Door Knap, to the north, will not be materially impact by a loss of light throughout the day. This is due to the low height of the bungalow and the siting of the bungalow in relation to other dwellings.

12. The site is primarily within Environment Agency Flood Zone 1, although part of the site is within Flood Zones 2 and 3. The plot is not subject to increase flood depth or flood hazard on the 1% 2115 South Holland Strategic Flood Risk Mapping. There is not a planning requirement to raise finished floor levels to address flood risk in this location.

The proposal accords with SELLP Policy 3.

Sequential test

The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) is the basis for

applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower probability of flooding. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology, it is possible to use the information to steer development towards the areas of lower flood risks as advised within Section 14 of the NPPF.

The site is partially located within Environment Agency Flood Zone 3 and is therefore in an area of high flood risk, however the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) shows that the site is located within an area of "no hazard".

The Local Plan has allocated sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. Although the application site is not a housing allocation within the Local Plan (only suitable sites capable of accommodating 10+ dwellings have been allocated), the site does lie within the settlement boundary for Gosberton. In general, there is a presumption in favour of sustainable development within settlement boundaries and windfall sites are expected to have a contribution towards housing supply (and maintaining the 5-year supply of deliverable sites) in the district. As such, one could argue that, should the site be acceptable in all regards, and if the Exceptions Test is successfully passed, that the site is acceptable in flood risk terms, notwithstanding the fact that there are sequentially preferable allocated sites in the adopted Local Plan.

In order for the Exceptions Test to be passed, it must be demonstrated that the proposed development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

In terms of the first element, the proposal will provide wider sustainability benefits to the community that outweigh flood risk; that is, the provision of additional housing a sustainable location within the district. In terms of the latter, there is no requirement to raise finished floor levels to address flood risk.

The proposal therefore complies with Policy 4 of the Local Plan in this regard.

PLANNING BALANCE

The proposed bungalow can be accommodated on site without materially impacting the character and amenity of the surrounding area. It is acceptable in flood risk and highways terms. The proposal accords with Policies 1, 2, 3, 4, 10, 11, 17, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2019.

CONCLUSION

The proposal is recommended for 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.