

**DECISION DELEGATED TO DEVELOPMENT MANAGER****DECISION DELEGATED TO DEVELOPMENT MANAGER**

**Application No:** H08-0809-21      **Applicant:** Scenic Homes

**Proposal:** Residential Development - Erection of Detached Dwelling

**Location:** Adj. 38 Siltside Gosberton Risegate Spalding

**Terminal Date:** 24th September 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      |
| 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<br>SUPPORT                         | 0      | 0       | 0       | 1        |
| WELLAND AND<br>DEEPINGS INTERNAL<br>DRAINAGE BOARD | 0      | 0       | 0       | 1        |
| SHDC INTERNAL                                      | 0      | 0       | 0       | 1        |

|           |   |   |   |   |
|-----------|---|---|---|---|
| RESIDENTS | 1 | 0 | 0 | 1 |
|-----------|---|---|---|---|

## **CASE OFFICER ASSESSMENT**

### **Proposal**

This is a full planning application for a proposed dwelling to the site adj. 38 Siltside, Gosberton Risegate. The proposal is for a 4 bed dwelling, with an attached garage

### **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 an existing bungalow (number 42) and a two-storey semi detached dwelling (number 38). The site itself is the side garden of number 38. There is a large road access between the proposed plot and number 42 which provides access to the open field to the rear of the plot, which is apart of the boundary of number 40.

### **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).

### **Consultation Responses**

Public (2 Comment)- Close to neighbouring property. Overshadowing and privacy concerns of overlooking onto garden. The proposed silver birch to the front of the property will grow tall and will cast a shadow. Recommendation for a planning condition requiring the installation of a minimum of 3 swift nest bricks to provide enhancement for biodiversity.

Welland & Deepings IDB- No Comments.

Environmental Protection Officer- No comments or objections.

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

### **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 can be considered to be infill development.

#### **Flood Risk and Drainage**

The site is located within Environment Agency Flood Zone's 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.

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 risk.

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.

With regard to the above, the development would provide some wider sustainability benefits to the community through a contribution (albeit small) towards housing supply, and other benefits including generating employment during the construction period and its proximity to a range of services and facilities that would be accessible by more sustainable modes of transport, such as walking or cycling.

In terms of making the development safe, the South East Lincolnshire Standing Advice Matrix shows that the finished floor levels for sites with a low "actual risk" of flooding, it is recommended that the finished floor levels are to be set at 300mm above existing ground level, as recommended in the submitted Flood Risk Assessment. The development passes the Sequential Test and is therefore suitable for the proposed location.

### 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. 10.5m and a maximum width of approx. 8.8m. the overall maximum height will be approx. 8.1m. 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. 21m deep.

The proposed materials include Sandtoft Pantile Rustic tiles, Farmhouse Antique facing brick, cream pvc-u windows and a black composite door and rainwater goods. The proposed materials are considered to enhance the character and appearance of the area. The closest neighbouring properties to the east are rendered, however the proposed materials are considered to be a positive contrast and is therefore not considered to have a detrimental impact upon the surrounding character of the area.

A pitched roof will be formed over the proposed dwelling, along with a lower pitched roof above the garage to the rear and a dormer window to the front elevation. The roof structure provides many features to the overall design of the dwelling and is considered favourable towards the overall character of the area.

To the ground floor, the layout will consist of an entrance hall, living room and an open plan kitchen diner to the rear, with a utility and w/c room. To the first floor, it will consist of 4 bedrooms, one with an ensuite and also a shared family bathroom. Overall, the proposed dwelling will ensure good living conditions and in keeping with the surrounding residential area.

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.

Concerns have been raised in regards to overlooking. The proposed side elevation window on the first floor, situated on the west elevation will be obscure glazed and will not impact upon overlooking to the rear of the property to the west. The adjacent bungalow is approx. 15m deep and the proposed dwelling is approx. 8.45m deep, meaning that the new dwelling will not extend past the rear elevation windows, and that overlooking upon the rear garden of the adjacent bungalow is not considered to be a detrimental impact upon residential amenity.

There were also concerns raised, regarding the proposed dwelling causing overshadowing upon the dwelling to the west. The proposed dwelling will have a separation distance of approx. 8.2m away from the side elevation of no.42. The windows to the side elevation of the property at no.42 face a 2m high closeboard fence, there is considered to be minimal likelihood of overshadowing caused by the new dwelling as the gabled roof was designed facing the road in order to minimise any perceived visual impact on adjacent properties. The proposed dwelling is tantamount to normal frontage development along this road, and is not considered to be situated any closer than usual to the neighbouring dwellings.

The proposed silver birch to the front boundary will grow between 1.8m-2m in height and is considered to be appropriate scale. This is not deemed to cause a detrimental impact upon overshadowing of the neighbouring dwelling as there is sufficient space between both 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.

#### Parking provision

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision. 3 no. car spaces must be provided within the curtilage for dwellings with more than 3 no. bedrooms. The drive to the front is clearly sufficient to accommodate these cars and enter and egress in a safe and forward manner.

Therefore, the proposals will ensure appropriate car parking provision and comply with Appendix 6 of SELLP 2019.

#### 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 does not materially harm the character or appearance of the locality or amenity of nearby residents. It is acceptable on flood risk and highway grounds. It is therefore considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

#### **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 recommendation is therefore for a delegated approval.