Remway Design Ltd
Treetops
The Raceground
Spalding
Lincolnshire
PE11 3AP

Council Offices
Priory Road
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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H09-0045-21 **Date of Decision:** 10th March 2021

Applicant: Mr S Norris
78 Chestnut Avenue
Holbeach
Spalding
PE12 7NF

Location: 78 Chestnut Avenue Holbeach Spalding

Description: Extension & conversion of existing garage into self contained dwelling and erection of detached garage to host dwelling

South Holland District Council hereby give notice that this application has been REFUSED for the above proposal for the following reason(s):

1 Paragraph 127 of the National Planning Policy Framework (NPPF), 2019 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. Policies 2 and 3 of the SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

The dwelling footprint and form of development would result in a development that would be at odds with the prevailing character of the local area. There is a well-defined frontage development onto Chestnut Avenue and Northon's Lane with buildings facing the road. The position of the dwelling southwards would break the pattern across the street scene. Moreover, the development footprint is concentrated in a piece of land heavily restricted in depth which would lead to overdevelopment of the site.

Furthermore, the private garden would be provided to the front of the property concealed

by closeboard fencing. No natural surveillance would be provided between the private and public spaces nor adequate amenity standards to the future occupiers when enjoying the garden.

Therefore, the proposal is considered to be in conflict with Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019, and Section 12 of the National Planning Policy Framework (NPPF), 2019.

2 Paragraph 160 of the National Planning Policy Framework (NPPF) 2019 sets out that, for the exception test to be passed, it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The site-specific flood risk assessment that accompanies this application satisfactorily demonstrates the development is safe for its lifetime and users without increasing flood risk elsewhere. Conversely, no evidence has been provided to demonstrate that the proposal would soundly achieve sustainable development which is required to allow new development in high flood risk areas.

For the reasons above, the Exception Test is not passed and therefore the proposal would be contrary to Paragraph 160 of the South East Lincolnshire Local Plan, 2019, which also seeks the provision of wider sustainability benefits to the community that outweigh the flood risk.

3 In conjunction with Policy 36 of the South East Lincolnshire Local Plan, 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

The proposed dwelling would have 4 bedrooms. No car parking provision has been made within the curtilage. It is assumed that three spaces might be likely provided on the drive area. However, the dimensions and irregular shape of the drive area are such that no turning point would be likely to manoeuvre cars for entering and egressing the site in a safe and forward manner.

Therefore, this application is contrary to Policies 2 and 3 which seek good design for new development; and Policy 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019 which seek appropriate parking provision and prevent on-street parking.

Notes:

The determined plans are:

Flood Risk Assessment (by S M Hemmings dated October 2020)
3053 01
3053 02
3053 03 Rev E
3053 04 Rev F
3053 05 Rev D

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3053 06 Rev E
3053 07 Rev A
3053 G01
Application Form

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. However, the issues are so fundamental to the proposal, due to the harm which has been clearly identified within the reason(s) for the refusal, that approval has not been possible.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch



Phil Norman
Planning and Building Control Manager
South Holland District Council

BUILDING REGULATIONS:
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planning inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**.

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the

Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.