

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H11-0754-23 **Applicant:** Mr M Ryan

Proposal: Erection of 2 bed house - approved under H11-0393-20. Modification of Condition 2 to allow amendments to previously approved plans.

Location: Land Adj London Road Long Sutton Spalding

Terminal Date: 31st October 2023

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
29	The Historic Environment
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 12. Achieving well designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.
Section 16. Conserving and enhancing the historic environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

The site has full planning permission for a 2 bed house (ref. H11-0393-20). This application is to amend the height of the rear single storey flat roof and also to revise the fenestration, including the dormer windows. Development has commenced on site and is currently at foundation level.

Site Description

The site lies behind a rendered front boundary wall, which has now been partially removed. No. 19 London Road (bungalow) is located to the north-west.

A park is situated to the north and a residential complex/nursing home to the north-east. An electricity substation is located to the south-east and grade II listed buildings (Adderley House stable block and Adderley House itself) beyond that. The site is within Long Sutton Conservation Area.

Relevant Site History

H11-0782-17 - Full - Proposed two-storey 3-bed house - Refused 17 November 2017

Reason: The proposed development by virtue of its height, scale and massing would have significantly adverse impacts on the residential amenities of the adjacent occupiers to the north of the site resulting in an overbearing and oppressive affect upon the outlook, privacy and enjoyment of the adjoining land. Therefore, the proposals are contrary to Policies SG1, SG14 and SG17 of the South Holland Local Plan 2006 and national guidance contained in Section 7 of the National Planning Policy Framework 2012.

Dismissed on appeal 8 August 2018.

H11-0393-20 - Full - Erection of 2 bed house - Approved 29 July 2020.

H11-0105-23 - Cond Comp - Details of external materials and archaeological investigation (Conditions 4 and 9 of H11-0393-20) - Approved 16 February 2023.

H11-0639-23 - NMA - Erection of 2 bed house - approved under H11-0393-20. Amendment to position of dormer windows and height of rear flat roof - Withdrawn.

Consultation Responses

Long Sutton Parish Council

No response received.

LCC Highways

Ref. H11-0393-20 - Does not wish to restrict the grant of permission.

Environmental Protection

Ref. H11-0393-20 - No comments or objections.

LCC Archaeology

No objections.

Public

No objections received. Objection received to previous application (ref. H11-0393-20) on grounds of blockage of natural light.

Planning considerations

The principle of a dwelling upon the site has already been established by virtue of planning permission ref. H11-0393-20. This application is for a modification. The main issue, therefore, is whether the proposed alterations are acceptable in terms of the following:

- Character and appearance, including the effect of the development upon the character/appearance of Long Sutton Conservation Area and the setting of nearby listed buildings;
- The likely affect upon the amenity of nearby residents.

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the South East Lincolnshire Local Plan (SELLP) 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Character/appearance

Policy 2 of the SELLP outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Policy 3 requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

Policy 29 (The Historic Environment) states, amongst other matters, that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced. Development proposals will be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

The above policies are in accordance with advice within Section 12 of the National Planning Policy Framework, 2023. Paragraph 130 states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Section 16 of the Framework states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed.

The site sits within a residential area and the appearance and character of the overall residential area is generally traditional, with a mixture of two and one storey brick and rendered 19th century properties with pitched and gabled roofs.

The proposal is for the construction of a new 2 bed house. It is a modern interpretation of a traditional 19th century property and would be constructed in red brickwork (Forterra Hampton Rural Blend) with a white rendered first floor and double glazed polyester powder coated aluminium windows (light grey). The roof would be constructed in Cedral Thrutone Fibre Cement roofing slates. The application includes the demolition of a section of the existing front garden wall, plus the side wall alongside the substation.

The original application (ref. H11-0782-17) was for a similar contemporary design, albeit of increased scale, height and massing. Whilst a more traditional property may be more appropriate upon the site the Inspector previously took the view that "the character of the surrounding area is residential with an eclectic mix of architectural styles in the immediate vicinity comprising two-storey buildings and bungalows, and detached properties and short terraces. To the rear of the site is a large area of open land used as a sports field with a vehicular entrance to the fields and a pavilion building a short distance away on London Road. While there is an eclectic mix of styles and materials, buildings are predominantly of a traditional style with dual-pitched slate or pantile roofs and elevations built of brick or stone with some walls rendered. The style of the proposed building would match the prevailing pattern of development and some more modern elements of its design would be complementary to the overall appearance of the area."

The Inspector went on to conclude that "the proposed development would have no harmful effect on the character or appearance of the Conservation Area". Nor would the proposal affect the setting of nearby listed buildings to the south-east. On this basis, the proposal therefore satisfactorily complies with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and advice within the Framework, 2023.

Amenity

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Paragraph 130 of the National Planning Policy Framework (2023) states that development should 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The site is alongside no. 19 London Road (bungalow) to the north-west, which has windows on its south-eastern elevation facing the site. This includes two windows serving the living area towards the rear.

The previous appeal (ref. H11-0782-17) was dismissed on grounds that the juxtaposition of the buildings and the relative height differences would create an overbearing sense of enclosure that would be unacceptably detrimental to the living conditions of the occupiers of No. 19. The close proximity and orientation of the buildings would also be likely to result in significant harmful overshadowing and loss of direct light to the habitable windows in the flank wall of No. 19.

The main concern in respect of the original application was essentially the height, massing and proximity to the common boundary of the rear two storey element. The subsequent re-submission (ref. H11-0393-20) replaced this element by a smaller single storey flat roof projection. The overall height and massing of the property was also reduced. This was considered acceptable.

The current application includes a slight increase in height of the rear single storey flat roof element from some 2.5m to 2.85m approximately, presumably to improve internal living conditions. This is not considered excessive, plus the rear element is some 1.4m from the boundary with No. 19 London Road. Whilst there would be some blockage of direct light to the neighbouring property it is not considered to be such as to justify refusal.

The site is higher than neighbouring land to the north-west. However, the western elevation is blank. Patio doors are located at the rear and bathroom and landing windows at first floor level. Any

overlooking from this elevation would be oblique, plus 1.8 metre high fencing is proposed along the common boundary to alleviate overlooking/privacy issues.

Overall, it is considered that the current scheme would not materially harm the amenity of neighbouring residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. The proposal is therefore in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the Framework, 2023 in terms of amenity.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The application is for alterations to the design/appearance, including an increase in height of the rear single storey element. The modifications proposed do not materially harm the character or appearance of the locality/Conservation Area, nor the setting of listed buildings within the vicinity. The amenity of nearby residents would not be materially harmed in terms of overlooking, lack of privacy, blockage of light, overshadowing, etc. The proposal conforms with the South East Lincolnshire Local Plan, 2019 and the provisions of the National Planning Policy Framework, 2023 when viewed as a whole.

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 proposal as a whole is in accordance with Policies 1, 2, 3, 4, 29 and 36 of the South East Lincolnshire Local Plan, 2019 and advice within the National Planning Policy Framework, 2023. Although the proposal may have some impact upon the amenity of neighbouring residents it is not considered to be significant and is outweighed by other factors in favour of the scheme.