

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H13-0847-20 **Applicant:** Mr J Hook
Proposal: Erection of 2 detached dwellings
Location: Rear Of 46 Seas End Road Moulton Seas End Spalding
Terminal Date: 24th December 2020

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

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
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND	0	0	0	1

INTERNAL DRAINAGE BOARD				
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the erection of 2 detached dwellings to the rear of 46 Seas End Road, Moulton Seas End.

The proposal is for 2 x 3 bed dwellings with rooms in the roofspace. Both properties are almost identical visually, but with the layout being reversed. Each property would have on-plot parking which is accessed via a shared drive off Seas End Road.

Site Description

The application site previously formed part of the garden of 46 Seas End Road and has become untidy and overgrown in parts. The site fronts on to Seas End Road and effectively 'dog-legs' around the rear of no. 46, which now has a much smaller enclosed garden.

There are three bungalows to the north/north-west, all of which have short gardens and windows facing towards the site. The site also adjoins the rear garden of a two-storey property to the west, which fronts on to Hall Lane. The car park of the Golden Lion public house sits opposite the Seas End Road frontage of the site.

The existing boundary treatments comprise of a mixture of fencing and established hedging. The eastern boundary is currently open.

History

H13-0652-18 - Outline application for proposed residential development (2 plots) (approved September 2018)

Consultation Responses

South Holland Drainage Board - Recommends ground investigation to determine infiltration potential of the site. Provides a reminder of the Board's byelaws and relevant consents required.

LCC Historic Environment Officer - No archaeological impact.

LCC Highways/SUDS - Does not wish to restrict the grant of permission. Requests standard highways notes.

SHDC Environmental Protection Officer - Requests note regarding unexpected contamination.

Public (2 objections, summarised) -
- Overlooking/loss of privacy
- Overshadowing

- Development will increase noise levels

Planning Considerations

The key considerations in this case are:

- Principle
- Layout, Scale and Appearance
- Highway Safety and Parking
- Residential Amenity
- Flood Risk and Drainage

Principle

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 located within the settlement boundary for Moulton Seas End, as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within 'Other Service Centres and Settlements', such as Moulton Seas End, "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 proposal is for 2 dwellings situated in between existing residential development. It can therefore be considered infill development. Additionally, incremental growth via infill development will help, albeit perhaps only to a small extent, sustain existing facilities. The site is therefore considered to be suitable in locational terms.

Furthermore, the site benefits from an extant outline permission meaning that the principle of residential development of the site has already been deemed acceptable.

Layout, Scale and Appearance

The proposal is for 2 x 3 bed dwellings with rooms in the roofspace. Both properties are almost identical visually, but with the layout being reversed to suit their positioning. Existing development in the area is varied in terms of design, and age. In the context of this, the appearance of the dwellings is acceptable. No details of materials have been submitted but this can be conditioned if permission were to be forthcoming.

Finished floor levels would only need to be raised by 300mm as flood risk mitigation, which would have a minimal impact on design/appearance.

However, notwithstanding the above, it is considered that the scale of the proposed dwellings results in a form of development that is visually cramped and dominated by building, hardstanding and boundary treatments (at the rear). Plot 2 is particularly cramped, with minimal and seemingly unfunctional areas of external amenity space.

It is noted that a condition was imposed on the outline permission restricting the development to single storey with no rooms in the roof space. Overall, it is considered that the site is best suited to two modest sized bungalows that more closely reflect the indicative layout submitted at outline stage.

Taking the above into account, the scale of the proposed dwellings is considered to be inappropriate to this location and would negatively impact upon the character of the area. The proposal is therefore contrary to Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings and the landscape character of the location.

Highway Safety and Parking

The Highways Authority have not objected to the proposal and so it is considered acceptable in terms of highway safety. The proposal is therefore in accordance with Policy 2 of the Local Plan which requires it to be demonstrated that access and vehicle generation levels will be acceptable.

With regard to parking provision, Appendix 6 of the Local Plan sets out minimum parking standards for new developments. This sets out a requirement for 2 vehicle parking spaces (within the curtilage) for dwellings with up to 3 bedrooms. The proposed arrangements are in accordance with this.

Residential Amenity

The rear elevation of Plot 2 ranges from approx. 7.5m to approx. 8.4m from the rear elevation of no. 6 Hall Lane. Although in planning terms there is no right to a view across neighbouring land, it is considered that at such a distance there will be a material adverse impact on the occupants outlook from the rear French doors to the lounge. This is a material planning concern and the applicant has declined to increase the separation distance to 10m.

Both dwellings would have rooms in the roofspace. However, the plans have been revised in order that the only window on the rear facing roof slopes would be above the stairs. There should therefore be no detrimental overlooking of existing properties to the north or south of the site. Furthermore, there are no openings proposed on the eastern elevation of Plot 2 so there would be no overlooking aspect in that direction either. The side facing windows/doors to the lounges of the dwellings would be at such an angle that any views towards the rear windows of no. 8 Hall Lane would be extremely limited and also the dwelling to the north-west of Plot 1 is single-storey.

Plots 1 and 2 are offset from one another meaning that an appropriate level of privacy will be afforded between ground floor windows. However, the rooflights at first floor to Plot 2 would face towards the lounge window of Plot 1 as well as its garden. There would therefore be an overlooking impact in this regard.

In terms of overshadowing/loss of light, Plot 1 would be approx. 9m from the closest rear window of the bungalow to the north, whilst its other rear window would be angled past the new dwelling. With such a relationship it is not considered that there would be a material adverse impact in respect of overshadowing or loss of light. Plot 2 is located to the north of no. 6 Hall Lane and offset from Plot 1, therefore overshadowing or loss of light should not be an issue in this regard either.

Although sufficient external amenity space would be provided for Plot 1, there is minimal and seemingly unfunctional areas of external amenity space for Plot 2.

Taking the above into account, on balance, it is considered that the proposed development would have a material adverse impact in terms of residential amenity and is therefore contrary to Policies 2 and 3 of the Local Plan.

Flood Risk and Drainage

Given that the site benefits from an extant planning permission for residential development, it is not considered necessary to apply the flood risk sequential and exception tests.

Finished floor levels would be set at 300mm above existing ground level. Taking into account the predicted flood depths identified in the submitted Flood Risk Assessment, this should ensure that the development is safe for its lifetime.

In terms of drainage, the proposal is for surface water to be disposed of via soakaways and for foul water to be disposed of via package treatment plant. There are no known permeability issues in this area that would preclude the use of soakaways.

Given the above, the proposal is considered to be in accordance with Policies 2, 3, 4 and 30 of the Local Plan with regard to their provisions on flood risk, drainage and ground pollution.

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 proposal represents infill development within the settlement boundary of Moulton Seas End. It is therefore in accordance with Policy 1 of the Local Plan in this regard. By itself, the visual

appearance of the proposed dwellings is acceptable however, when considered in the context of the size of the site and adjoining development, it is considered that the scale of the proposed dwellings results in a form of development that is visually cramped and dominated by building, hardstanding and boundary treatments (at the rear) and would negatively impact upon the character of the area.

Furthermore, given the separation distance between the rear elevation of Plot 2 and the rear elevation of no. 6 Hall Lane, it is considered that there will be a material adverse impact on the occupants outlook from the rear.

There are also issues of overlooking and a lack of external amenity space for Plot 2.

The proposed development is therefore considered to be contrary to Policies 2 and 3 of the Local Plan and the planning balance tips against the proposal.

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

In light of the above considerations, the proposal is considered to be contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

The recommendation is therefore for a delegated refusal.