

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H13-0849-20 **Applicant:** Mr W Pridmore
Proposal: Residential Development - erection of one dwelling
Location: Rear Of 15 West Cobgate Moulton Spalding
Terminal Date: 25th November 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 2. Achieving sustainable development
 Section 5. Delivering a sufficient supply of homes
 Section 11. Making effective use of land
 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	1	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a planning application that seeks full planning permission for the erection of one dwelling within to the rear of 15 West Cobgate, Moulton, Spalding.

The proposed site for the residential scheme is currently part of the domestic garden of No. 15. The intended dwelling will be a single detached bungalow. The existing driveway will be extended to serve the new dwelling and would become a shared access with the occupiers of No. 15.

When assessing this application, it is worth taking into account the previous application for similar development which was refused on the proposed location.

A single detached bungalow was refused under application ref. H13-0341-13 on the following terms:

"In the opinion of the Local Planning Authority the proposal would result in an incongruous form of backland development out of character with the existing character and pattern of development in the locality contrary to Policy SG14 of the South Holland Local Plan 2006. The development would also be contrary to Policy HS6 of the South Holland Local Plan 2006 which states that development in Group Centres such as Moulton will be permitted on suitable sites which are situated within the defined settlement limit, are brownfield land and are infilling or represent the replacement of an existing dwelling within the same site. In this case the site is not regarded as being brownfield land nor is it infilling or the replacement of an existing dwelling. To permit the development contrary to the above Policies could result in the submission of further applications of a similar nature on adjoining sites which could be difficult to resist to the further detriment of the character of the locality. The above policies are consistent with the advice contained in the National Planning Policy Framework 2012 which seeks to resist the development of residential gardens where development would cause harm to the local area and promote opportunities for improving the character and quality of an area."

In response to the planning refusal, an appeal was submitted and subsequently dismissed on the following terms:

- The proposed bungalow would not follow the established pattern of development along West Cobgate. In the context of surrounding undeveloped gardens, the proposed bungalow would appear as an isolated and harmful intrusion.
- The proposal would set a precedent for similar development on adjacent properties. Whilst it is appreciated that allowing the appeal would not necessarily prevent a more comprehensive scheme from being drawn up for adjoining backland areas, it would make it more difficult for the Council to resist similar piecemeal developments on nearby rear gardens.
- Despite the shortfalls of allowing the appeal, the residential proposal is consistent with the Framework which indicates that new housing should be located where it will enhance or maintain the vitality of rural communities.

Site Description

The site is within the built-up area of Moulton. It forms part of frontage development onto West Cobgate. The area is mainly residential. A wide range of house types, designs and appearances has been observed on the street scene.

The main dwellinghouse on the application site is currently No. 15 is a semi-detached two-storey property. Two other pairs are adjacent on both sides and further semi-detached are immediately opposite the road. Bungalows stand on the frontage from No. 11 to the east.

The boundaries of the proposed site encompass most of the domestic garden to No. 15. The land is currently grassed. The boundary treatment is 1 metre high timber closeboard fence. The height increases up to 2 metres as it approaches the dwellinghouse. To the east, there is No. 11a which is

backland development to the rear of No. 11 onto the road. To the west, the rear garden of No. 17 with no significant building. The rear gardens of No. 28 and 30 Broad Lane abuts the site to the north.

History

H13-0341-13 - Residential development - detached bungalow - Refused & Appeal Dismissed

Consultation Responses

LCC Highways/SuDS Authority

No objection.

South Holland IDB

No objections.

Reminds to comply with Board's byelaws.

Planning Considerations

Principle of development

The site is within the settlement boundary for Moulton as set out in the South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 of the SELLP sets out the spatial strategy for new development across the district. This settlement hierarchy has been established in order to steer development to the most sustainable locations.

Moulton is classified as "Minor Service Centres" and within the settlement boundaries of which, development will be permitted that supports its role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. The proposed development will normally be limited to allocated and committed sites and infill.

In view of the site description above, the scheme will constitute infill development. The extent to which the intended dwellinghouse is sustainable can be determined by assessing it against each dimension of sustainable development set out in Paragraph 8 of the National Planning Policy Framework (2019) as follows:

1. Economic

The future occupants of the dwelling may work locally and support local services and make a contribution to the local economy. There may also be employment opportunities associated with the construction, albeit in the short term.

2. Social

According to "South Holland District Council 5-year Housing Land Supply Assessment (as at 31st March 2020)", the Council is capable of delivering housing land supply of 9.1 years under the Liverpool method. Although housing sufficiency has been met, additional dwellings being delivered by the proposal would make a social contribution.

Moulton has shops, a primary school, doctor's surgery and other community facilities. There is two bus stops a few metres from No. 15 where regular bus service is provided to Spalding. Thus, the future occupiers will benefit from public transport within a short walking distance to meet their day-to-day needs to Spalding. Likewise, the residents could go walking to the local shops in Moulton.

3. Environmental

Although the site has not been previously developed, the proposed development would not entail the loss of high quality agricultural land. Subject to material considerations, the residential

development would not conflict with the residential character of the immediate vicinity neither with the function of the rural character of the wider locality.

As detailed below, the site falls within Flood Zone 1 and has no flood hazard as per Environment Agency's Flood Map and South East Lincolnshire Strategic Flood Risk Assessment (March 2017) respectively. Given the low vulnerability of residential proposals to the predicted flood risk probability on the site, the proposed development will be acceptable in this regard.

In summary, the principle of development for the proposed scheme is deemed acceptable. It will achieve sustainable development at least in accordance with Policy 1 of SELLP, 2019 and Section 2 of NPPF, 2019.

Design and layout

Paragraph 127 of 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; 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 sets out that considerations on 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 should be made to ensure good design standards. Policy 3 goes on to say 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 scheme entails backland development to the rear of No. 15. No. 11a is the neighbouring property to the east of the proposed bungalow and also constitutes backland development. Further to the east, No. 5a is also to the rear of two properties onto West Cobgate. A similar bungalow was approved to the rear of No. 30 Broadgate (application ref. H13-1140-19) which is to the north-west of the proposed dwelling.

Should permission be allowed for the proposals, the form of development will not be totally uncharacteristic of the area. Whilst it is acknowledged the concerns about significant changes on the pattern of development, it must be also taken into account that two neighbouring schemes share similarities and the rear gardens of the remainder of properties on the frontage are excessively narrow to accommodate independent dwellings. On balance, the proposed development will be an isolated and harmful intrusion that would erode the character of the area.

The existing driveway will be extended to serve the new dwelling and become a shared access with the occupiers of No. 15. The garden area will be mainly lawn to the front of the property. From the driveway, a slabbed paved turning area will be created to the front of the detached garage. Overall, sufficient floorspace is provided per each external area to meet the functional needs of the future residents.

The bungalow will be gable pitched. The main roof will go across the width of the building. There will be three subservient gable pitched elements, one to the front and two further to the rear.

The proposed dwelling will approximately measure 17.30 metres in width, 14.90 metres in length and the height nearly 6 metres. The eaves will be 2.73 metres high. Having regard to the scale of the neighbouring properties, the intended bungalow will appear commensurate with the existing development in its setting in terms of scale, mass and bulk.

Internally, two bedrooms will adjoin the eastern wall and the master bedroom will occupy the highest pitched element on the rear elevation. The shortest element will be for utility room and a toilet. A large open kitchen/dining room will extend on the western part of the building. The lounge will face onto the front of the property with a bay window.

No material schedule has been submitted and therefore a condition is recommended to add to the permission in this regard. However, the detailing on the external walls and roof is shown on the proposed plans. Overall, the design standards would be of acceptable standard.

In summary, the scale and height of the dwelling are proportional to the neighbouring properties.

The backland layout of the development will not detract significantly from the existing pattern of development. The resulting site layout will be in line with the residential plot of the area. For these reasons, the design and layout of the development is acceptable and the application accords with aforementioned policies at the top of this section.

Car parking provision

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class.

Two spaces for dwellings with up to 3 bedrooms should be provided within the curtilage as per Appendix 6 of SELLP, 2019. A garage can count as one space if it is 2.6m x 5.6m internal width. The detached garage will comply with the minimum internal dimensions to accommodate two cars. In any case, the width and layout of the drive area will be also suitable for two cars. Therefore, the proposals accord with Appendix 6 of SELLP, 2019.

Residential amenity

The separation distance of the proposed bungalow with No. 15 is 38.90 metres. There will be approximately between 9.23 metres and 8.03 metres with No. 11a to the east, and 15.85 metres with the footprint of approved bungalow to the rear of No. 30 Broadgate. The detached garage will be erected immediately adjacent to the rear boundary of the plot of No. 15. The height is in the region of 5.60 metres and the unit is roughly 17 metres away from the nearest rear part of No. 15. Given the height of the development and any given separation distance, it is considered that granting permission to the scheme will not create significantly overbearing impact upon the residents of the nearest properties. The detached garage

With regard to the windows, the fenestration for habitable spaces is oriented to such extent that there will no direct views to the adjoining properties. The master bedroom window on the eastern elevation is the only facing straight to one of them. The existing hedgerow or any other subsequent mean of enclosure with a standard height of 2 metres will obscure any overlooking effect. Thus, the design of the dwelling is such that no overlooking impact would occur.

The dwelling is 3 bedroom. The potential number of occupiers and motor vehicles would not be excessively high insofar as the proposal will be unacceptable in this regard.

No overshadowing will occur given the position and orientation of the proposed bungalow and its nearest dwellings.

In summary, the development which would comply with residential amenity is capable of being created, which is one of the key principles of design and development management as set out in Policies 2 and 3 of SELLP (2019).

Flood risk and drainage

The site is located within Flood Zone 1 of the Environment Agency's Flood Map for Planning. No flood hazard is anticipated on the site in accordance with South East Lincolnshire Strategic Flood Risk Assessment (March 2017). No mitigation measures against flood risk are required in view of the lowest flood risk probability. However, the drawings show that the finished floor level will be raised 150mm above ground levels which is considered well received in the interest of further resilience against extreme flooding.

Policy 4 of SELLP is concerned on flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

Soakaways will be implemented for the surface water management which is one of the main SuDS. It is unknown low soil permeability on the site location, therefore infiltration systems will be appropriate. Foul water will be disposed into the main sewer under the road pavement.

In summary, the development proposal will not exacerbate flood risk elsewhere and the lifetime of the buildings and safety of occupiers is ensured at such location. Sustainable systems are

implemented to manage flooding from surface water which complies with Policy 4 of SELLP.

Conclusion

Taking into account the considerations above, the proposal is considered to comply with Policies 1, 2, 3, 4, 10, 11 and 17 of the South East Lincolnshire Local Plan (SELLP), 2019; and also Sections 2, 5, 11, 12 and 14 National Planning Policy Framework (NPPF), 2019.

No objections have been raised. It is accordingly recommended to approve this planning application via delegated powers.

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.