DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H15-0127-19**	**Applicant:**	**Adam Evison**
Proposal:	Erection of 2 detached bungalows		
Location:	15 Sarahgate Lane Quadring Spalding		
Terminal Date:	8th April 2019		

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
17	Providing a Mix of Housing
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 8, 11, 12, 14.

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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

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

CASE OFFICER ASSESSMENT

Proposal

This is a full application for the erection of two dwellings, on land accessed from a shared private drive from Sarahgate. There are properties directly to the north, west and south and open fields to the east. A scheme of landscaping and boundary treatment is provided, however it is not considered that a 2.0m high fence is appropriate in relation to one neighbouring property, and this is discussed below.

The application differs from the previous consents by the resiting of the bungalows and garaging. The external designs are also amended. The dwellings include integral garaging.

Revised plans were submitted and then withdrawn, so the scheme to be considered is as submitted.

Application site

The site is located in the open countryside in the South Holland Local Plan, 2006. However, it is included in the settlement boundary for Quadring in the emerging South East Lincolnshire Local Plan. Furthermore, the Council cannot demonstrate a 5-year supply of deliverable housing sites and so the presumption in favour of sustainable development as enshrined in the National Planning Policy Framework (NPPF, 2019) applies. In this context, there are no significant concerns in respect of the principle of residential development in this location.

The development is accessed from a shared private drive adjacent 11A Sarahgate Lane, with a slabbed area for kerbside refuse collection at the top of the drive.

History

H15-1025-16. Residential development - erection of two dwellings. Approved. Nov 2016
H15-0939-17. Details of boundary treatment, site levels and floor levels (Conditions 2 and 3 of H15-0725-17). Approved.
H15-0725-17. Residential development - erection of two dwellings (Outline approval H15-1025-16). Approved.
H15-0697-18. Residential development - 2 dwellings. Approved 23 Aug 2018.

Consultation Responses

LCC Highways and SUDS - no objection subject to informatives

Environmental Protection Officer SHDC - No comments or objections

Third Parties

Objections have been received raising the following matters:

Disappointing to note that work has already begun on this site
The erection of a 2 metre high boundary fence blocking out light and having impact on amenity

Obstruction of views by the internal boundary fences of 2.0m in height
Fences could be a safety hazard due to high winds
The choice of trees needs to be reconsidered - silver birch was inappropriate for the location as it is a field tree
Loss of light as a result of trees
Location of oil tank
The entry point (from Sarahgate Lane) to the shared drive needs to be looked at as the angle of entry is sharp. Work has already begun in this area as has the erection of a picket fence along the eastern boarder which wasn't part of the approved plans
Impact on dogs being fostered an housed in existing dwelling adjacent.
Impact of adjoining residents health and standard of living - additional costs of heating and lighting
Work should be checked by Building Control to ensure compliance with Regulations
Noise and disturbance during construction
Impact on Human Rights
Council tardy if not negligent by failing to halt construction on the site until the application ha been determined
Does mobile screening unit on site that is to be occupied during construction comply with regulations?
the Oil Tank Standing and Bin
Storage for the most Northerly of these two bungalows is situated hard up against the boundary with an existing property
Appropriate containment measures need to be taken to avoid oil polluting the neighbouring property in the event of an oil spillage or tank fracture
SHDC set a precedent by refusing a planning application for a strikingly-similar backland development at Reference H08-0590-17 on 24 July 2017. In both instances the development is out of keeping with the existing pattern of development in the locality
Positioning of the access road in relation to the adjacent dwelling give rise to an adverse impact on the living conditions of the occupants of the properties as a result of noise, fumes and general disturbance associated with pedestrian and vehicular traffic accessing the site
the position of the access road to the proposed development on Sarahgate Lane would give greater rise to an adverse impact on living conditions
the proposal is contrary to Local Plan Policies which seek to ensure that the layouts of new developments integrate well with existing patterns of development and protect residential amenity.
If this application is upheld, properties 11A, Miaows (previously Southfield) of Sarahgate Lane and 47 Main Road, Quadring are not having their residential amenity protected as per Policy SG17.
11A Sarahgate Lane has a very small rear garden and minimal distance between bedroom windows and the proposed shared access road on the eastern side; this will negatively impact the owner's privacy and current amenity
Miaows of Sarahgate Lane will lose its amenity (open view to the east) due to the proposed erection of a double-garage adjacent to the boundary line. Our amenity would not, therefore, have been protected This proposed development would represent an inappropriate form of backland development out of keeping with the existing pattern and character of development in the locality, which consists principally of ribbon development
The proposal is contrary to Local Plan Policies SG14 and SG17 of the South Holland Local Plan 2006, which seek to ensure that the layout of any new development would integrate well with existing patterns of development and protect residential amenity.
These policies are consistent with the advice contained in the National Planning Policy Framework 2012, particularly paragraph 58
This is the third occasion an application has been submitted to develop this area of land. SHDC was unwilling to approve the original application in 1988 as it was deemed to adversely affect the residential amenities of neighbouring properties in terms of lack of privacy, noise and generated disturbances caused by vehicles using the private drive. Planning application H15-1011-88 was for the erection of 2 dwellings also, therefore, the same refusal reasons can be cited on this occasion. The reasons the Council gave in 1988 are still justified reasons to object in 2018 (as proven by the precedent case H08-0590-17), therefore, this application should be refused for the same reasons
Appendix H to Schedule 1 of the Building Regulations 2010 outlines the conditions of drainage and waste disposal. Appendix H6, Paragraph 1.8 states "Storage areas for waste containers and chutes should be cited so that the distance householders are required to carry refuse does not exceed 30m." The submitted block plan suggests that neither residency is within this distance (approximately 50 and 100 metres away respectively)

Planning Issues

Principle of the development

The principle of the development of this site has been set by the extant permissions recently granted. Similarly the use of the access road for two dwellings has been agreed. In addition there is no significant change in the landscaping proposals other than to ad fencing in certain locations.

As there are enforcement complaints regarding the fencing of the land, the key matter to consider with this application is the erection of 2.00m high fencing around the site.

Impacts on neighbouring properties

The dwellings proposed are bungalows, as previously approved, however the northernmost dwelling is to be located approximately 0.5m closer to the dwelling of 11a Saragate Lane, which as a limited rear garden area. The useable garden area of the new bungalow on this plot would be adjacent to the rear garden area of No.11a, and would be approximately 12.0m in depth, so providing an acceptable level of privacy between the dwellings it is considered that a 2.0m fence would be appropriate.

Given the distance between the proposed and existing surrounding dwellings it is not considered that an unacceptable loss of day light or sunlight to habitable rooms or garden areas would be caused.

In order to safeguard from a detrimental level of light loss to habitable rooms of No.11a, conditions are proposed to preclude the installation of fencing along the length of the driveway during construction or subsequently.

The impacts of the development on light and privacy have been considered and the development is considered to be acceptable.

Human Rights

The Human Rights Act 1998 requires all public bodies to exercise their powers and duties in ways that do not breach the rights of individuals, as identified in the European Convention on Human Rights.

The following provisions of the European Convention on Human Rights are most likely to be relevant to the planning system:
Article 6: the right to a fair trial. In the context of planning, this means that where their property or life is affected by a decision, everyone is entitled to a fair and public hearing (within a reasonable time) by an independent and impartial tribunal established by law. This is provided for applicants who are dissatisfied with a planning decision through the appeals process and for objectors through the availability of judicial review. However, the principles underpinning this Article also require openness and transparency throughout the decision-making process.

Article 8: the right to respect for private and family life. Everyone has the right to respect for his or her private and family life, home and correspondence.

The First Protocol - Article 1: protection of property. Every person (including legal persons, such as companies) is entitled to the peaceful enjoyment of their possessions. This may only be restricted or prevented in the public interest in accordance with the law.

Article 8(2) identifies that there shall be no interference by a public authority with the exercise of Article 8 rights except as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety, the economic well-being of the country, the prevention of crime and disorder, protection of public health or morals, or for the protection of the rights or freedoms of others.

It can be seen that rights under Article 8(1) are qualified rights and in appropriate circumstances interference may be justified in the public interest. Regulation of the use of land use through development control measures is recognised as an important function of Government and is necessary to ensure the economic well-being of the country. In that sense the regulation of development for legitimate planning aims can be said to be in the public interest. The aim is to strike the right balance between general interests and rights of the wider community and the requirement to protect an individual's private rights. A key to the principle of a fair balance is the doctrine of proportionality.

The issues of planning policy in the consideration of development of this form, the justification of the development in the light of wider public and economic gains and the methods that can be implemented to mitigate against negative impact by the use of the planning conditions recommended below, are matters of public and community interest that attract substantial weight in the planning balance. Whilst the granting of consent for this development may have a certain level of impact on neighbouring occupiers, this impact is assessed above and it is concluded that the impact would not be such that planning permission could be refused on that basis. Officers therefore conclude that the granting of permission for this development in conjunction with appropriate conditions would be lawful, necessary and proportionate.

Landscaping

The landscaping plans are considered to be acceptable and include species often seen in domestic gardens.

Other matters

Right to a view - There is no right to a view in planning law, and although it is appreciated that the existing residents adjoining this site will have restricted views to open countryside, objections of this nature can not be given weight. The impacts of the development on light and privacy have been considered and the development is considered to be acceptable.

Oil/Gas tank installation - This would be covered by other regulations and can be given little weight in the consideration of this application.

Building Regulations - matters covered by Building Regulations are not to be treated as material to the consideration of this application due to the ability of the regulations to adequately cover the issues raised.

Conclusion

The development is considered to be acceptable and subject to conditions, it is recommended that planning permission be granted.