

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H16-0029-20	Applicant:	Ms A Brown
Proposal:	Erection of detached house - re-submission of H16-0856-19		
Location:	Rear Of 175 Hawthorn Bank Spalding Lincs		
Terminal Date:	17th April 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

Sections 5, 12, 14 and 15 of the 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, coastal change and flooding

Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
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	2

OTHER STATUTORY BODIES	1	0	0	0
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	8	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This a full planning application for the erection of detached house - re-submission of H16-0856-19 on land to the rear of 175 Hawthorn Bank, Spalding. The proposal seeks to provide an integral garage, lounge, utility, kitchen / diner, water closet and study / bedroom at ground floor level. Three bedrooms, a dressing room, en-suite and a bathroom are to be provided at first floor level. Proposed brick is Redland Light Buff Matt Facing Bricks. Proposed tiles are Redland Rosemary Clay Classic in Red with Clay Classic Red Half Round Ridge tiles.

This proposal differs from the original in that this is for a chalet bungalow rather than a two-storey dwelling. The height of the two proposals is 10cm less for the chalet bungalow at 8.3 metres once 300mm finished floor levels are added. However, the bulk has been substantially reduced by the proposal now only being for one dwelling, and the majority of the first floor being built into the roofspace.

Site Description

The proposal site is within defined settlement limits to the rear of the existing dwelling and is substantially overgrown, with neighbouring properties to the north, east, south and west. A chestnut tree that is subject to a preservation order is located to the north of the proposal site in the garden of 5 Town End Manor.

History

H16-0856-19 - Proposed pair of semi-detached houses - Refused - 24 October 2019

Consultation Responses

LCC - County Highways & SUDS Officer

Does not wish to restrict the grant of permission. Requests a standard utility informative.

SHDC - Environmental Protection Officer

Requests contaminated land condition.

SHDC - Trees & Conservation Officer

Three significant trees of high amenity value are present on the site - Two horse chestnuts and a pine tree. It should be ensured that the building is outside of the root protection areas. Conditions to regulate any future works to the trees and for their protected during construction work are requested. Tarmac not appropriate due to limited permeability and roots are likely to lift it. Rubberised porous paving materials may be more suited.

Welland and Deepings Internal Drainage Board

No objection.

Public - 21 objections (though some are additional from the same address, summarised)

- Concerns re additional surface water run-off and potential for flooding of surrounding properties.
- Concern re impact on trees on the site; 'Irreplaceable veteran trees'; new trees should be planted; Plan shows incorrect positioning of trees.
- Concern re vehicle parking arrangements; Only room for one vehicle to move at a time and no vehicular movement is shown from existing property; Driveway not wide enough to serve proposed dwelling and dangerously near to dyke.
- Questions on application form answered incorrectly.
- Proposed dwelling not in keeping with size of current house and in relation to neighbouring houses.
- Dwelling not much smaller than that previously proposed.
- Cramped form of development in a prominent location.
- Potential to be overbearing and for overlooking and overshadowing; Site is around 600mm higher than the western boundary with Wentworth Close and dwelling would be raised by 300mm.
- Would not make a positive contribution to the character and appearance of the vicinity; No other new builds in vicinity.
- Loss of wildlife.
- Impact on visual amenity/loss of view.
- Additional noise, pollution and activity from cars and people living in the new dwelling, diminishing enjoyment of property.
- South Holland has a five-year housing land supply therefore not necessary to build in gardens.
- Proposed dwelling closer to neighbouring boundary than previously.
- Site plan doesn't show correct positioning of boundary to the west.
- Not clear where refuse would be stored.
- Proposed development will set a precedent for others in this area.
- Previous reasons for refusal still apply.
- Gardens should not be termed as unused land.
- Local Plan has more than sufficient houses allocated

Planning Considerations

Principle of development

This application is for housing development on residential garden land, which is no longer classified as brownfield land. The reason for this change is to give Local Planning Authorities the opportunity to resist inappropriate development of residential gardens where it would cause harm to the local area. However, the proposal site is within the largest settlement limit in the district, within defined settlement limits and therefore the principal of development is agreement. Whilst there is little in the immediate vicinity, "backland" development is a fairly regular occurrence in Spalding and therefore this would not set a precedent for the area.

The original pre-application advice given was that a single dwelling would be more likely to be

supported on this site as this would help to prevent a cramped incongruous design being brought forward.

South Holland has a 5 year housing land supply so the dwelling is not needed

The proposed chalet bungalow is within defined settlement limits, where development is to be focused, and therefore the principle of development is agreed.

Surface water flooding

Photographic evidence has been submitted to show a surface water flooding event on Wentworth Close on the 11th of June 2019. Subsequent discussions with the County Highways & SUDS Officer were undertaken and they have since informed the Planning Department that this flooding was as the result of a burst water main. The County Highways & SUDS Officer has no objections to the proposal.

Flood risk

The proposal site is within Flood Zone 3 on the Environment Agency flood maps. The site is not within an increased hazard area or subject to increased flood depth on the 2115 South Holland Strategic Flood Risk Mapping. For the above reasons a sequential test is not required. Therefore a minimum finished floor level of 300mm is required.

Loss of wildlife

The site is currently overgrown and largely inaccessible. Whilst this may have created a habitat for certain types of wildlife is regrettable that it would flourish in an unkempt site that visually detracts from the amenity of the property and surrounding area.

Loss of view

A member of the public does not have a right of view over somebody else's land. This concern does not carry material planning weight.

Impact on trees

The Trees & Conservation Officer is not seeking to impose preservation orders on the existing three trees on site. They have however stated "Three significant trees of high amenity value are present on the site - Two horse chestnuts and a pine tree. It should be ensured that the building is outside of the root protection areas. Conditions to regulate any future works to the trees and for their protected during construction work are requested. Tarmac not appropriate due to limited permeability and roots are likely to lift it. Rubberised porous paving materials may be more suited."

Storage of refuse

This is a matter that can be addressed by condition. It is expected that bins will be collected from the roadside as with all other properties in the vicinity.

Vehicle parking

There is adequate parking and manoeuvrability for up to three vehicles on site. The County Highways & SUDS Officer has no objections to the submitted plans.

Sections on form incorrectly filled in

Whether or not this is the case, it is considered that the submitted plans are accurate for the existing and proposed layout. The red line boundary accurately demarks existing ownership boundaries.

Overbearing

This proposal differs from the original in that this is for a chalet bungalow rather than a two-storey dwelling. The height of the two proposals is 10cm less for the chalet bungalow at 8.3 metres once 300mm finished floor levels are added. However, the bulk has been substantially reduced by the proposal now only being for one dwelling, and the majority of the first floor being built into the

roofspace.

Overlooking

All first floor windows, save for the window of the eastern elevation wall serving bedroom 3, are to the front and rear of the property. The eastern boundary is approximately 3.5 metres away from the side elevation bedroom window and overlooks the rear garden of 177 Hawthorn Bank. This is not considered to constitute a material novel overlooking aspect, as the rear garden is already overlooked by the rear elevation first floor windows of both 175 Hawthorn Bank and 1 Manor Close. There are no western side elevation windows at first floor level facing Wentworth Close. The rear elevation windows are 29 metres from 6 Town End Manor at the nearest point. The front elevation window is 17 metres away from 175 Hawthorn Bank at the nearest point.

Given the distances provided above, there is not considered to be a material overlooking aspect.

Overshadowing

The property at 177 Hawthorn Bank to the east is 15 metres away at the nearest point, the properties at Wentworth Close are 25 metres away at the nearest point. 175 Hawthorn Bank is 15 metres away to the south at the nearest point, 6 Town End Manor is 29 metres away at the nearest point.

Given the distances provided above, there is not considered to be a material overshadowing aspect.

Design of proposed house

The design is considered to be more appropriate than that of the previously refused design under H16-0856-19. It is no longer considered to be cramped and incongruous and therefore has addressed the previous reasons for refusal. The proposed materials are considered appropriate for the site and the dwelling provides an acceptable level of amenity for your applicant.

Conclusion

The proposal has addressed the previous reasons for refusal and is not considered to have a material impact on neighbour amenity. It is therefore in accordance with Policies 1, 2, 3, 4, 10, 11, 17 and 36 of the South East Lincolnshire Local Plan (2019) as well as Sections 5, 12, 14 and 15 of the National Planning Policy Framework (2019).

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.