

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H16-0047-23	Applicant:	Mr G Simpson
Proposal:	Erection of detached dwelling and garage - approved under H16-0935-21. Modification of Condition 2 to allow amendments to previously approved plans, removal of Condition 3 relating to levels and modification of Conditions 8 & 9 relating to trees.		
Location:	Land Rear Of 175 Hawthorn Bank Spalding		
Terminal Date:	14th June 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
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 2021

- 5 - Delivering a sufficient supply of homes
- 12 - Achieving well-designed places
- 14 - Meeting the challenge of climate change, flooding and coastal change
- 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	1	0
RESIDENTS	4	0	0	1

Route for determination of application	Delegated	X	Committee	
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CASE OFFICER ASSESSMENT

REASON FOR CHAIRMAN'S PANEL REFERRAL

The site has undergone a number of revised applications, each attracting a large number of residential objections.

PROPOSAL

This is a Section 73 Modification planning application for the erection of detached dwelling and garage - approved under H16-0935-21. The application seeks a modification of Condition 2 to allow amendments to previously approved plans, removal of Condition 3 relating to levels and modification of Conditions 8 & 9 relating to trees at the rear of 175 Hawthorn Bank, Spalding.

The proposal seeks to provide a two storey dwelling with a detached double garage to the front. At ground floor level of the dwelling it is proposed to provide an entrance hall, living room, wc, pantry, study, utility and an open plan kitchen and dining area. At first floor level, four bedrooms, two en-suites, a dressing room and a bathroom will be provided. Proposed materials of construction are Kempston Antique or Camtech Old brickwork, with dark grey timber cladding and black slate roof tiles. Exact details of materials would be addressed by condition. Foul water will be addressed by the mains sewer, with surface water drainage addressed by a soakaway. The footprint and scale of the buildings are predominately the same as that of the original approval. The drain adjacent to the entrance driveway is not in the ownership of the applicant and forms no part of this application.

COMPARISON TO PREVIOUS APPLICATIONS

Comparison with H16-0935-21 - Approved

The footprint of both the dwelling and detached garage is the same. The 2021 dwelling is to be constructed from Hoskins Flemish Antique Facing bricks, grey Sandtoft double pantiles, as well as cream UPVC windows and grey UPVC doors. The dwelling is 14.05 metres in width, 9.8 metres in depth at the longest point, has an eaves height of 4.5 metres and a ridge height of 7.55 metres.

The 2023 dwelling is to be constructed from Kempston Antique / Camtech Old (or similar) brick, black slate roof tiles, with dark grey timber cladding, and cream UPVC windows and doors. The dwelling is 13.5 metres in width, 9.9 metres in depth at the longest point, has an eaves height of 4.65 metres and a ridge height of 7.25 metres.

The 2021 detached garage is 6.5 metres wide, 6.05 metres in depth, has an eaves height of 2.7 metres and a ridge height of 5.45 metres. The garage door faces west with a door and window in the north elevation. The 2023 detached garage is 6.5 metres wide, 6.05 metres in depth, has an eaves height of 2.55 metres and a ridge height of 5.2 metres. The garage door faces west with a door in the north elevation.

In summation, the materials have changed, and the fenestration design is altered but largely in the same location. The east facing first floor en-suite windows of the 2023 dwelling are to be obscure glazed. The ridge height of the dwelling and garage is lower than that of the approved 2021 application.

Comparison with H16-0736-22 - Refused

Whilst the design and orientation is similar, the footprint of the refused dwelling is larger. This dwelling was to have an additional bedroom and en-suite in the roofspace. The 2022 dwelling was to be constructed from Kempston Antique/Camtech Old (or similar) facing brickwork. Dark grey timber cladding to the front projecting gable, and black slate roof tiles. The dwelling was to measure 13.9 metres in width, 10.2 metres in depth at the longest point, have an eaves height of 5.1 metres and a ridge height of 9.13 metres. The two established horse chestnut trees and one conifer tree were to be removed with new trees planted as replacements.

The 2023 dwelling is to be constructed from Kempston Antique / Camtech Old (or similar) brick, black slate roof tiles, with dark grey timber cladding, and cream UPVC windows and doors. The dwelling is 13.5 metres in width, 9.9 metres in depth at the longest point, has an eaves height of 4.65 metres and a ridge height of 7.25 metres.

The 2022 detached garage was 6.5 metres, 6.05 metres in depth, have an eaves height of 2.5 metres and a ridge height of 5.4 metres. The garage door faces west with a door in the north elevation. The 2023 detached garage is 6.5 metres wide, 6.05 metres in depth, has an eaves height of 2.55 metres and a ridge height of 5.2 metres. The garage door faces west with a door in the north elevation.

In summation, whilst the materials and overall design is similar to the current proposal, the refused 2022 dwelling was an additional 1.9 metres in height to accommodate rooms in the roofspace. This additional height would have a material impact on the character and amenity of the surrounding area. The proposed removal of established trees was something that could not be supported by the Local Planning Authority.

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 6 Town End Manor. The site is in Environment Agency Flood Zone 3 and is not subject to increase flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H16-0856-19

Full - Proposed pair of semi-detached houses - Refused - 24 October 2019

H16-0029-20

Full - Erection of detached house - re-submission of H16-0856-19 - Approved - 17 April 2020

H16-0935-21

Full - Erection of detached dwelling and garage - Approved - 10 November 2021

H16-0736-22

Full - Proposed dwelling and associated garage - Refusal - 05 October 2022.

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS Officer

No objections - "The proposal is for minor amendments to the erection of detached dwelling and garage - approved under H16-0935-21. Modification of Condition 2 to allow amendments to previously approved plans, removal of Condition 3 relating to levels and modification of Conditions 8 & 9 relating to trees. The minor amendments proposed will not have an adverse impact upon the public highway or surface water flood risk."

Welland & Deepings Internal Drainage Board

No comments

Members of the public - 4 Objections

- Overlooking
- Surface water flooding from development of land
- Cramped development
- Incongruous
- Additional trees should be planted to prevent overlooking
- Trees will be removed
- Ownership of dyke adjacent to access
- The application is an amendment to H16-0736-22.
- How will drainage connect to the manhole at the top of the driveway.
- "Due to lack of maintenance on local utilities... our house stinks of raw sewage"

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled Spatial Strategy. The relevant section in this policy is titled Sub-Regional Centres. This section of the policy states:

"Within the settlement boundaries of Boston and Spalding (as shown on the Inset Maps) development will be permitted that supports their roles as Sub-Regional Centres."

When assessed against the above criteria the following can be observed:

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 in the district, within defined settlement limits, and therefore the principle of development is agreed. 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. It is considered that the proposed dwelling would support Spalding's role as a sub-regional centre. This application also benefits from an extant permission under reference H16-0935-21, therefore the principle of development on this site is considered to have been established.

This application accords with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout is considered to be appropriate for the site and is not materially different to that of the approved plans under H16-0935-21. None of the development is in the root protection areas of trees and conditions will be added to prevent damage to trees during construction. The appearance and character of the surrounding area is not materially impacted.
2. The design and orientation is not materially different to the approved plans under H16-0935-21.
3. Proposed materials of construction are Kempston Antique or Camtech Old brickwork, with dark grey timber cladding and black slate roof tiles. These materials are considered to be appropriate for the site and surrounding area. Exact details of materials would be addressed by condition.
4. Access remains unaltered and the site can accommodate four vehicles for off road parking. This accords with Appendix 6 of the SELLP which requires a minimum of three off road parking spaces for dwellings with four bedrooms or greater.
5. This proposal will not materially impact existing community services and infrastructure.
6. There is not considered to be a material noise, odour or disturbance impact from this proposal. With regard to visual intrusion, the ridge height of the garage is 5.2 metres, this is not considered to create an overshadowing aspect as it is set to the north of 175 Hawthorn Bank and the ridge is set

10.7 metres from number 177 and 10.8 metres from number 175. With regard to potential overlooking the rear windows are over 30 metres from the nearest wall at 6 Town End Manor. From the front elevation, the distance to the nearest wall from the first floor principal elevation windows is 19.6 metres to 175 Hawthorn Bank and 19.5 metres to number 177. The view to dwellings at numbers 175 and 177 Hawthorn Bank is partially obscured by the 5.2 metre ridge height of the garage, as well as the 2 metre high boundary fence beyond. These are considered to be acceptable separation distances.

7. The site is in Environment Agency Flood Zone 3 and is not subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. There is not considered to be a need to raise finished floor levels to address flood risk in this location, however it is standard practice to request a finished floor level of 300mm above ground level to address surface water flooding. Foul water will be addressed by the mains sewer, with surface water drainage addressed by a soakaway. The County Highways & SUDS Officer has no surface water drainage concerns.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout is considered to be appropriate for the site and is not materially different to that of the approved plans under H16-0935-21. None of the development is in the root protection areas of trees and conditions will be added to prevent damage to trees during construction. The appearance and character of the surrounding area is not materially impacted.

4. The proposal site is within the defined settlement limits of the largest settlement in the district and there are goods and services within walking distance, as well as access to bus stops nearby.

5. There is adequate space on site for refuse and cycle storage. Access remains unaltered and the site can accommodate four vehicles for off road parking. This accords with Appendix 6 of the SELLP which requires a minimum of three off road parking spaces for dwellings with four bedrooms or greater.

11. There is not considered to be a material noise, odour or disturbance impact from this proposal. With regard to visual intrusion the ridge height of the garage is 5.2 metres, this is not considered to create an overshadowing aspect as it is set to the north of 175 Hawthorn Bank and the ridge is 10.7 metres from number 177, and 10.8 metres from number 175. With regard to potential overlooking the rear windows are over 30 metres from the nearest wall at 6 Town End Manor. From the front elevation, the distance to the nearest wall from first floor principal elevation windows is 19.6 metres to 175 Hawthorn Bank and 19.5 metres to number 177. The view to dwellings at 175 and 177 Hawthorn Bank is partially obscured by the 5.2 metre ridge height of the garage, as well as the 2 metre high boundary fence beyond. These are considered to be acceptable separation distances.

12. The site is in Environment Agency Flood Zone 3 and is not subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. There is not considered to be a need to raise finished floor levels to address flood risk in this location, however it is standard practice to request a finished floor level of 300mm above ground level to address surface water flooding. Foul water will be addressed by the mains sewer, with surface water drainage addressed by a soakaway. The County Highways & SUDS Officer has no surface water drainage concerns.

This application accords with SELLP Policy 3.

OBJECTIONS/REPRESENTATIONS/FURTHER CONSIDERATIONS

- Overlooking - This is addressed against local policy in the main report.
- Surface water flooding from development of land - This is addressed against local policy in the main report.
- Cramped development - This is addressed against local policy in the main report.
- Incongruous - This is addressed against local policy in the main report.
- Additional trees should be planted to prevent overlooking - Due to the fenestration orientation and separation distances to neighbouring dwellings, there is not considered to be a need to plant additional trees to prevent overlooking. The existing trees on site are to be retained, and should a future occupant wish to plant additional trees then they are free to do so.

- Trees will be removed - Trees are proposed to be retained.
- Ownership of dyke adjacent to access - Ownership is not a matter of material planning weight. The dyke is not included in the red line boundary of the site.
- The application is an amendment to H16-0736-22 - This is a false statement. That application was refused and this application seeks an amendment to H16-0935-21.
- How will drainage connect to the manhole at the top of the driveway - This is a matter which will be addressed by Building Control.
- "Due to lack of maintenance on local utilities... our house stinks of raw sewage" - This is not a matter of material planning weight.

Surface water drainage

Surface water drainage on site will be addressed by a soakaway. One soakaway will be positioned to the front of the dwelling, with an additional soakaway to the rear. Wentworth Close to west of the site has suffered with surface water flooding on more than one occasion. However, this is a pre-existing problem that will not be exacerbated by the proposed development. The County Highways & SUDS Officer and the Welland & Deepings Internal Drainage Board have no objection to the submitted details.

There is a private drain between the driveway serving the site and 173 to the west. This drain was partially filled in by the previous owner of the site. The drain did not form part of the purchase by the current owner / applicant and is not within the red line boundary of the proposal.

PLANNING BALANCE

It is considered that the proposed dwelling can be accommodated on site without materially impacting the character and appearance of the surrounding area. There is not considered to be a material amenity impact due to separation distances and existing boundary treatment.

CONCLUSION

This application is considered to accord with Policies 1, 2, 3, 4, 10, 11, 17, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12, 14 and 15 of the National Planning Policy Framework, 2021.

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:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- 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).
- 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.

RECOMMENDATION

This application is recommended for approval.