

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0348-20 **Applicant:** Mr & Mrs P Martin
Proposal: Erection of Bungalow - re-submission of H16-0174-20
Location: Adj. 9 Goodfellows Spalding Common Spalding
Terminal Date: 24th June 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

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 and 14 of the National Planning Policy Framework (2019)

5 - Delivering a sufficient supply of homes

12 - Achieving well-designed places

14 - Meeting the challenge of climate change, flooding and coastal change

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	1
OTHER STATUTORY BODIES	0	0	0	1

RESIDENTS	4	0	0	0
-----------	---	---	---	---

CASE OFFICER ASSESSMENT

Proposal

This is a full application for a proposed bungalow at 9 Goodfellows, Spalding Common. The proposal seeks to provide a two bedroom bungalow that also contains an en-suite, bathroom and open plan kitchen, lounge and dining area. The site to the side and rear would be boarded by a 2 metre high fence. The submitted Flood Risk Assessment proposes finished floor levels 300mm above existing ground level. Proposed brick is Forterra Belgravia Gault Blend, and tiles are Marley Eternit Thin Leading Edge Graphite.

This proposal differs from the previously refused application in that the dwelling has been moved southwards and parking provision has been placed to the southern side elevation facing the two front elevation bedrooms of Goodfellows as shown on the approved plans under reference H16-0375-96.

Site Description

The proposal is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design. The site is in Flood Zone 3 on the Environment Agency Flood Maps, is in a Low Hazard area and has a maximum predicted flood depth of 0.25 metres. The site gently slopes away from Spalding Common road and is elevated above the properties to the rear on a road called The Ramper.

History

H16-0946-82

Outline - Erection of dwelling with garage and access - Approved - 17 June 1983

H16-0207-85

Reserved Matters - Bungalow and garage - Approved - 01 May 1985

H16-1178-16

Full - Proposed detached bungalow - Approved - 16 January 2017

H16-0464-17

Condition Compliance - Details of Contamination Report (Condition 3 part i) only of H16-1178-16) - Approved - 19 June 2017.

H16-0174-20

Full - Proposed bungalow - Refused - 14 April 2020.

PE-00627-15

Preapp - Proposed residential development - 1 dwelling - Advised - "It is considered that the cumulative overlooking and overshadowing impact would be contrary to Policy SG17 of the South Holland Local Plan, 2006"

PE-00697-15

Preapp - Revised scheme relating to PE-00627-15 - Advised - "The concerns raised on the previous enquiry are still valid with this proposal. It is considered that the cumulative overlooking and overshadowing impact would be contrary to Policy SG17 of the South Holland Local Plan, 2006."

PE-00683-16

Preapp - Proposed new bungalow and integrated garage - Advised - "it has been established that the ground within the proposed site would be of a different height to surrounding properties in The Ramper, and which may be considered substantial enough to cause potential overlooking issues. As such, an application for a bungalow on this plot may not be supported."

Consultation Responses

Welland & Deepings Internal Drainage Board

"The suitability of the proposed soakaways at this site would need to be demonstrated to South Holland District Council, especially considering how densely populated the immediate surrounding area already is.

Taking into account the above, any proposed roadways, parking and turning areas etc should be of permeable construction to allow free-drainage and to not potentially cause waterlogging elsewhere on site."

County Highways & SUDS Officer

No observations. Requests standard access and utility informatives.

SHDC Environmental Protection

Recommends parts ii - iv of the standard contaminated land condition be applied.

Members of the public - Objections

Principle of development
Overlooking
Overshadowing
Surface water drainage
Highway safety
Cramped & incongruous development

Planning Considerations

Principle of development

The proposal site is within the defined settlement limits of the largest settlement in the district, therefore the principle of residential development on this site is agreeable.

Overlooking

There is considered to be a significant overlooking aspect from the proposed development. The northern elevation is 9 metres from the converted garage of Woofmere. The main dwelling of Woofmere is 8.2 metres away and is faced by full length lounge doors, and one bedroom window. Lumbertubs is 10 metres away to the east and is not faced by any windows.

The main dwelling of Goodfellows is 3.5 metres away to the south and is faced by obscure glazed en-suite and bathroom windows, as well as a bedroom and kitchen / diner windows. The northern elevation wall of Goodfellows is a blank elevation wall.

Overshadowing

There is considered to be a significant overshadowing aspect to and from the proposed development. The northern elevation is 9 metres from the converted garage of Woofmere. The main dwelling of Woofmere is 8.2 metres away and both will be impacted by the loss of light during the middle of the day onwards as the proposed bungalow is sited forward of the existing dwelling.

Lumbertubs is 10 metres away to the east and is will be impacted by a loss of light, late afternoon and into the evening.

The main dwelling of Goodfellows is 3.5 metres away to the south and is faced by obscure glazed en-suite and bathroom windows, as well as a bedroom and kitchen / diner windows of the proposed dwelling. The windows are immediately faced by a 2 metre boundary fence with an approximately 6 metre high wall beyond. The amount of natural light that the proposed rooms will receive, especially the bedroom, bathroom and en-suite, will be very small and will rely and artificial light for large parts if not all of the day due to the proximity of both the fence and bungalow wall.

Surface water drainage

As the submitted plans show, there is a 0.9 metre slope away from Spalding Common. Beyond that to the east the slope continues down the properties sited on The Ramper. Surface water will take the easiest route when settling and this will be down towards The Ramper, with less permeable surface available, the installation of a bungalow on this land will channel water towards the properties to the east.

Highway safety

The County Highways & SUDS Officer no longer objects to the proposed plans.

The Planning Department concurs that the new access allows for greater visibility than that of the previous location and does not have highway safety concerns from the relocated access.

Proposed parking location

The relocated access now proposes a parking area to the front of Goodfellows. The plans show cars entering the site will be facing the two front elevation bedrooms of Goodfellows as shown on the approved plans under reference H16-0375-96. This location not only means that headlights will directly shine towards these bedrooms, but residents of Goodfellows may also be disturbed by vehicular movements and the noise from the occupants entering an existing the vehicles.

Whilst the applicant residing at Goodfellows may not hold objections to the proposed parking arrangements, it is important to remember that permission is given for a dwelling not a person, therefore should the applicant decide to move, the proposed parking arrangements could create discord and impact the amenity of any future occupant of Goodfellows.

Cramped and incongruous development

This amended proposal, whilst still set back from the road by 3.4 metres is considered to constitute cramped and incongruous development. The dwelling is set materially forward from the host dwelling and yet due to differences in topography still constitutes a material overlooking and overshadowing impact on neighbouring properties to the north and east. In addition the proximity to the host dwelling to the south means a significant loss of natural daylight to the southern elevation of the dwelling. It is not considered that any development in this location can be brought forward that addresses the cramped nature of the site and removed overlooking, and overshadowing concerns.

Previous approval under H16-1178-16

This application was not invited by the Planning Service. Three times between 2015 and 2016, pre-application advice was given in an attempt to dissuade an application being brought forward. A reluctant approval was granted in the context of the previous local plan and the lack of a five year housing land supply. The planning context at the time of the decision made inappropriate development within defined settlement limits difficult to resist as the previous local plan housing policies were given limited weight.

The Council now has a new local plan and in excess of a five year housing land supply. Therefore, all policies related to housing are considered to carry material weight.

Conclusion

The proposed development would constitute a cramped and incongruous form of development that

would be at odds with the character of the surrounding area due to its design, scale, siting and orientation. Moreover, the scale and siting of the proposed dwelling would result in an overbearing effect, overlooking and loss of privacy in respect of existing neighbouring properties. As such, the proposal is considered contrary to Policies 2, 3 of the South East Lincolnshire Local Plan, 2019. These policies indicate that new development will be permitted on suitable sites in Area Centres, should make a positive contribution to the character and appearance of the locality and not cause unacceptable harm to residential amenity. They are in accordance with advice within Sections 12 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.