DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0353-20**	**Applicant:**	**Mr N Revill**
Proposal:	Erection of independent single-storey dwelling		
Location:	33 The Crescent Spalding		
Terminal Date:	26th 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
11	Distribution of New Housing
17	Providing a Mix of Housing
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 12 and 16 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SPALDING AND DISTRICT CIVIC SOCIETY	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0

RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This full planning application is for the erection of a self contained residential unit to the rear of 33 The Crescent. The proposed structure would be 7.745m (W) x 5.992m (D). The structure would be brick built in style featuring timber windows (details to be agreed), a dual pitched Natural Slate tiled roof featuring North facing rooflights

Site Description

33 The Crescent is not a listed building, however, it does sit within the highly prominent 'Sheep Market' area of the Spalding Conservation Area (SCA) and does hold a significant charm as an attractive example of a Victorian era townhouse.

Furthermore, the proposal site sits within close proximity to both the Grade II Listed Sessions House and the similarly Listed former Police Station. The proposal site, within the rear garden of No.33 must be considered to be part of the setting of both of those buildings as the structure would be visible from the plots of both of the designated heritage assets.

The wider area is largely characterised by commercial properties, mostly C19th in nature, with some sporadic newer C20th development also featured. Some residential use is also present in the area, but is not the predominant form along The Crescent.

History

H16-1233-08

Creation of separate ground floor flat. Approved on 19-01-09.

H16-0128-09

Creation of first floor flat. Approved on 16-04-09

H16-0214-09

Details of brick header arch, new door and painted finish (Condition 2 of H16/1233/08). Approved on 30-04-09.

H16-0215-09

Replacement front door, part bricking up of door and installation of window (retrospective). Refused on 22-05-09

Consultation Responses

Local Residents

Objections have been received from a single local resident. That objection raised the following concerns:

-Trees on the plot should be protected by conservation area protection.
-The proposal sits in a plot with no access other than a small side passage along the side of the host property which may cause issues with parking and the stowage of materials, especially during the construction process.

Spalding and District Civic Society

No objections, but does feel that the proposal is unusual, but ultimately, inobtrusive.

South Holland District Council Environmental Protection Officer

No objections.

Lincolnshire County Council as Lead Local Highways and Flood Authority

No Objections.

Planning Considerations

Resident objections

The concerns of the resident objector are noted. The single tree which is affected by this proposal is within the conservation area and is therefore afforded a degree of protection. however, the applicant has indicated that the tree within the yard of the host property is not a part of the proposal plot and therefore would not be affected by this proposal.

The Local Planning Authority notes the concerns of some local residents with regard to the lack of a side access for vehicles meaning that this application would contribute to parking issues. The Lincolnshire County Council Highways authority have been consulted during the course of this application and have raised no concerns with regards to parking or the generation of unacceptable levels of construction traffic.

Principle of development and character of area

The Council supports the provision of residential development however this proposal would have a greater impact on the area, which is given greater weight, in this instance.

Paragraph 70 of the NPPF 2019 sets out that;

"Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."

The Council has recently published an up to date (as at 3 November 2020) housing land supply of 9.1 year supply under the Liverpool method.

The SELLP does not contain a policy that specifically precludes the development of domestic gardens, and each application is considered on its merits and in the light of national and local policies. Recent decisions have been made within Spalding for single dwelling infill developments, however the circumstances differ and each application is to be considered on its merits.

No.33 is a semi-detached residential property on the Western side of The Crescent, and has a linear domestic garden, which is also a feature of the dwellings to the South. In both directions from the site are a number of properties facing the crescent, with street frontages.

The site sits behind the existing property at number 33. As a consequence, the proposal would introduce an independent dwelling within the backland area between the properties to the East and the rear gardens of the properties on Victoria Mews and Spring Gardens, both to the West, which, with the exception of small, ancillary domestic buildings, is currently free from built back land or tandem residential form. This would be in marked contrast with the existing pattern of development.

In addition, the lack of street frontage that the dwelling would have, being largely screened from the public realm by the existing dwelling, would be out of character and incongruous with the form of the existing residential development in the Crescent portion of the Conservation Area.

It is considered that this proposal, by introducing a new, self contained dwelling into a backland setting, would be out of character with the prevailing form of development in this part of The Conservation Area, by reason of its location. It is therefore considered that the development would be contrary to Policies 2, 3 and 29 of the SELLP and the provisions of the NPPF 2019.

Heritage Impact

The Local Planning Authority considers there to be a risk presented to the overall character of this portion of the Conservation Area. The SCA is not generally characterised by an abundance of backland development and as such to introduce an independent dwelling into this setting would be inappropriate and at odds with the general character of development in the area.

Design and Layout

The Local Planning Authority seeks no amendment to the design or layout of the proposal as the proposed structure would make appropriate use of traditional design elements and materials such as timber windows, slate tiled roof etc. Furthermore, the layout is considered appropriate to service the proposed use as an independent single residential unit.

Residential Amenity

The Local Planning Authority does not consider there to be any risk presented to the residential amenity of any neighbouring properties, this is because the structure would be single-storey in nature and does not propose any windows mounted at eye height (1.7m or below) above the floor level that could have a vantage into any neighbouring plots. Therefore, it is held that this proposal presents no risk of either overlooking or overshadowing.

Parking Provision

This proposal is put forth as a car-less development. However, LCC lead highways authority has been consulted and due to the town centre location of the proposal have raised no concerns with such a development as access to facilities, employment, services, shops etc should be within easy walking distance.

Planning Balance

The Local Planning Authority accepts that the basic principle of development at this site is acceptable, as well as the fact that no issues have been raised or considered impactful with regards to the lack of parking provision, risk to residential amenity and design of the proposed structure itself. However, it is deemed that, on balance, this proposal is not acceptable by virtue of the fact that such a development, of this backland nature, is not vernacular to the Conservation Area setting, which does not currently play host to backland or tandem style development.

Conclusion

For the reasons listed above, this application is considered to be in direct contravention of Policies 1, 2 and 29 of the South East Lincs Local Plan (2019) as well as Section 16 of the National Planning Policy Framework (2019). Therefore, this application is recommended for refusal.

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.