

DECISION DELEGATED TO HEAD OF PLANNING
DECISION DELEGATED TO HEAD OF PLANNING
DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H16-1080-23	Applicant:	Ringwood & Simpson Ltd
Proposal:	Erection of detached dwelling and garage - approved under H16-0047-23. Modification of Condition 2 to allow amendments to previously approved plans		
Location:	Rear Of 175 Hawthorn Bank Spalding		
Terminal Date:	31st January 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019 02 Development Management 03 Design of New Development 28 The Natural Environment 30 Pollution 36 Vehicle and Cycle Parking APPENDIX 6 Parking Standards				
National Guidance National Planning Policy Framework 2023 Section 2 - Achieving sustainable development Section 4 - Decision-Making Section 12 - Achieving well-designed places Section 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
SHDC INTERNAL	0	0	1	0
RESIDENTS	1	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This application is made under S73 of the Town and Country Planning Act 1990. The purpose of the proposal is to make amendments to the dwelling previously approved on this site under planning application H16-0935-21. Amendments include changes to the external elevations. Internal arrangements as well as the introduction of steps leading up to access points and the erection of a 2.4m close boarded timber fence to treat the rear private amenity area.

Site Description

The proposal site is within defined settlement limits to the rear of the existing dwelling and at the time of the previous approval was substantially overgrown. Neighbouring properties are located 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

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 10-11-21

Consultation Responses

Environmental Protection - No comments

Highways - No Objections Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

The details submitted to discharge condition 2 attached to H16-0047-23 are acceptable in accordance with approved drawing 2472/12 dated November 2023.

Representations

Three objections have been received; they are summarised into the following material points:

Impact upon residential amenity through overlooking

Overbearing/shadowing

Loss /Impact upon trees

Character Impacts

Flooding

Planning Considerations

This application seeks to amend the design of the dwelling previously approved on the plot. Whilst the footprint and location of the proposed dwelling remain similar there are changes architectural features. The applicant also includes information on finished floor levels which are to be set at 3.3m AOD. Information has also been provided as regards the protection of trees during construction. The applicant has also provided a landscaping plan detailing that a proposed 2.1m close boarded

timber fence will be erect around the perimeter of the rear amenity area.

Given that the previous permission remains extant it is considered that there is no requirement to revisit matters of planning principle. The following topics are therefore considered relevant to this assessment:

Character and Design
Amenity/Finished Floor levels
Trees

Character & Design

Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'.

Policy 3 sets out the 'Design of new development' in part it states that "Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable"

Part 12 of the NPPF (Achieving well-designed places) states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. It is important that new residential development should be of the highest quality to enhance and reinforce good urban design characteristics. It is generally accepted that good design plays a key role towards sustainable development. Regard must be had towards the impact that the proposed dwelling would have on local character, including topography, street patterns, building lines, boundary treatment and through scale and massing.

The dwelling is located on a similar footprint to what has been previously approved, the scale is also comparable, however this proposal seeks a slightly taller dwelling, though this is slightly mitigated by the ability to built to finished floor levels of 3.3m AOD (a topography plans now shows the existing site levels are set at circa 3.00m AOD, lower than previously assumed within the FRA).

Architecturally the dwelling now exudes a greater symmetry with a central two storey entrance porch which contains an internal 'galley' balcony area at first floor. 1st floor openings straddle the eaves creating catslide style dormers (this keeps the overall height down), two of which are located on the principal elevation and 4 on the rear elevation. Two sets of bi-folding doors are located to the rear and exit onto a raised area which steps down into the garden. There are also steps leading up to the main central entrance on the front.

This proposal would result in the loss of some boundary hedging, though would retain trees across the site.

The applicant has also provided a schedule of materials which are as follows:

- Brickwork Kempston Antique/Camtech Old (or similar)
- Cladding Dark grey timber cladding Windows/Doors Agate Grey uPVC (RAL 7038)
- Rainwater Goods Black uPVC gutters and downpipes
- Roof Covering Black slate roof tiles

The proposed changes to the dwelling itself are considered acceptable, the palate of materials and the central porch would provide a dwelling of high merit. The boundary treatments surrounding the rear amenity, which are proposed to be at 2.1m are considered to have a mild character effect, especially upon adjoining neighbours visual amenity. This impact however is localised and the separation distance from the neighbouring dwellings to these boundaries mitigate unacceptable harm. It should be noted that 2m boundary treatments are available to future residents through applying PD rights.

The dwelling is set back and would not have a great effect upon the street scene, but would be visible. It is considered that the dwelling, given the scale previously approved would not result in an unacceptable impact upon the areas character and appearance. The impact from the car port is considered acceptable, designed to a high level, but largely unseen from Hawthorn Bank..

It is therefore considered that the proposal would accord with policies 2 and 3 of the SELLP as well as Section 12 of the NPPF.

Amenity/Finished Floor levels

Policy 2 and of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

Paragraph 135 of the National Planning Policy Framework (December, 2021) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Condition 4 of H16-0935-21 requires that "The ground floor level of the dwelling should be raised 300mm above the existing ground level at a level of approximately 3.60m OD" this was proposed within the FRA, which was intended to be 300mm above existing levels.

The proposed dwelling which slightly taller would not result in an unacceptable impact upon neighboring amenity through overshadowing/overbearing when considering what is already approved on site. The location of openings are commensurate with those previously approved. The dwelling however has set finished floor levels at 300mm above existing ground levels (as required by the FRA), following the site being surveyed these levels are 3.3mAOD. It is considered that this is acceptable. The proposed fencing to the rear boundary is 2.1m in height and this is also acceptable. The impact from the car port is considered acceptable, commensurate with what is allowed under previous permissions.

It is therefore considered that the proposal, giving weight to the extant permission on site including condition applied to that permission by statutory consultees, would accord with policies 2 and 30 of the SELLP as well as paragraph 135f of the NPPF.

Trees

Policy 28 of the SELLP is concerned with 'the natural environment' point 3 is concerned with addressing addressing gaps in the ecological network. Point 'I' is relevant and states that "protecting the biodiversity value of land, buildings and trees (including veteran trees) minimising the fragmentation of habitats;"

Policy 2 is also relevant, and it states that "size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;" should be considered as part of any proposal.

The applicant has provided a tree survey and tree protection plan. Condition 9 of the previously approved planning application required that these trees were protected during construction. The arboriculture supporting information demonstrates how these retain trees will be protected and is considered acceptable. Any permission will therefore approve these documents to ensure that retain trees are protected during construction.

Furthermore the applicant has shown some steps leading into amenity areas at the front and rear and a mild increase in footprint. Given the sensitivity of these trees it is considered that justification exists to remove permitted development rights for extensions and outbuildings.

On this basis it is considered that the proposal would accord with policies 2 and 28 of the SELLP.

Reapplication of conditions

There is no longer a requirement to condition the finished floor levels as these are stipulated on the proposed floor plans, which will be conditioned. In turn they are commensurate with the requirements set out by the FRA in that they are 300mm above existing ground levels. A

landscaping plan has also been submitted and this will be also conditioned along with the attachment of a condition that ensures retain trees are not to be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority.

Furthermore it does not appear that the applicant is showing any swift nest bricks as requested by condition on the original permission, this condition which is compliance will be reattached to any permission.

Conclusion

The proposed changes are considered acceptable and would result in a dwelling located on site that is commensurate with the original permission. Trees are retained and protected during construction, the protection measures will be conditioned.

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.