

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H16-1173-21      **Applicant:** Mr P Foster  
**Proposal:** Erection of detached bungalow and rear extension to existing house.  
**Location:** 87 Spalding Common Spalding  
**Terminal Date:** 12th April 2022

### 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

### Representations:

|                                                        | Object | Support | No Obj. | Comments |
|--------------------------------------------------------|--------|---------|---------|----------|
| WARD MEMBER                                            | 0      | 0       | 0       | 0        |
| PLANNING LIAISON<br>OFFICER - FLOOD RISK<br>ASSESSMENT | 0      | 0       | 0       | 1        |
| HIGHWAYS & SUDS<br>SUPPORT                             | 0      | 0       | 0       | 1        |
| WELLAND AND<br>DEEPINGS INTERNAL<br>DRAINAGE BOARD     | 0      | 0       | 0       | 1        |

|               |   |   |   |   |
|---------------|---|---|---|---|
| SHDC INTERNAL | 0 | 0 | 1 | 0 |
| RESIDENTS     | 0 | 0 | 0 | 1 |

## **CASE OFFICER ASSESSMENT**

### **PROPOSAL**

This is an application at 87 Spalding Common, Spalding for the erection of a detached bungalow and a rear extension to existing house. The proposal seeks to provide a two storey northern rear elevation extension. At ground floor level a kitchen will be provided, with two bedrooms at first floor level. The footprint of the dwelling will be reduced as a result of the proposal.

The proposed bungalow would be sited close to the eastern boundary and would contain two bedrooms, a bathroom and an open plan kitchen / lounge. The dwelling would be set at 1.05 metres above existing ground level to address flood risk

Render and tile of the extension would be to match that of the existing dwelling. The bungalow materials will be brick and tile. The exact details would be addressed by condition.

### **SITE DESCRIPTION**

The proposal site is located within defined settlement limits and the surrounding area is predominately characterised by linear development of varying ages and designs. Fantail House is located to the north of the site with Appleton House to the east, 87 and 88 Spalding Common to the south and the road named Spalding Common to the west with grass banks and South Drove Drain beyond. There is currently a mobile home sited on the approximate footprint of the proposed dwelling. The site is in Environment Agency Flood Zone 2, and in a "Danger for Most" hazard area, with a maximum predicted flood depth of 0.5 metres at the western part of the site, and 1 metre where the proposed bungalow is sited.

### **RELEVANT HISTORY**

None

### **CONSULTATION RESPONSES**

#### **LCC - County Highways & SUDS Officer**

No objections. Requests standard access and utility informatives.

#### **Environmental Protection**

No comments.

#### **Welland & Deepings Internal Drainage Board**

No objections.

#### **Environment Agency**

No objections. Finished floor levels shall be set no lower than 3.85 metres above Ordnance Datum (AOD). Flood resilient and resistance measures shall be incorporated up to at least 300mm above finished floor levels.

#### **Member of the public - 1 - objections**

Claims part of red line boundary is on land in their ownership - This is not a matter of material planning weight and no legal documents have been submitted that substantiate these claims.

## **PLANNING CONSIDERATIONS**

### Assessment against SELLP Policy 1 - Spatial Strategy - Sub-Regional Centre

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

The proposal is within the defined settlement limits of Spalding and will help to support its role as a sub-regional centre.

### Assessment against SELLP Policy 2 - Development Management

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

1. The size, scale and layout of the proposed extension and bungalow is considered to be appropriate for the site. No trees will be removed to facilitate this proposal. Due to the minor size of the rear extension and the bungalow being set away from the highway there is not considered to be a material impact on the character and amenity of the surrounding area.
2. The design of the extension is to match that of the existing dwelling and the bungalow is of a standard design. The orientation of the fenestration on the extension is not materially different to that of the existing. The orientation of the bungalow best enables access and egress, whilst seeking to minimise amenity impact.
3. Render and tile of the extension would be to match that of the existing dwelling. The bungalow materials will be brick and tile. The exact details would be addressed by condition. The suggested material types are considered to be appropriate for the site.
4. The access to the site is unaltered. The existing dwelling and the proposed bungalow both have two off road parking spaces. Each property has no more than 3 bedrooms so the provision of two spaces accords with Appendix 6 of the SELLP.
5. The capacity of existing community services and infrastructure is not impacted by this proposal.
6. There is not considered to be a material noise, odour or disturbance impact from the proposal. With regard to visual intrusion the following can be observed:

Overdevelopment - The proposed extension to the dwelling is subservient in scale and the plot size of the proposed bungalow site is larger than that of the existing dwellings 87 and 88 Spalding Common to the south.

Overlooking - Considerations have been made in the context of a one metre high finished floor level to address flood risk. There is not considered to be a material increase in overlooking from the proposed extension which has similar fenestration and is 1.4 metres closer to the northern boundary at first floor level but further away at ground floor level where the existing kitchen is to be removed and replaced. These windows will face the 1.8 metre high boundary fence with Fantail House to the north as well as the frontage garden beyond, as the previous windows did. Fantail House was granted change of use permission to operate as a business use under application H16-0346-18. With regard to the bungalow, the proposed eastern rear elevation lounge, kitchen and bedroom windows are adjacent a 1.8 metre high fence beyond which Appleton House is sited. This property has an open frontage and can be viewed from the roads Spalding Common and South Drove. The nearest distance to habitable room fenestration at Appleton House is at the 13 metres to the ground floor dining room. To address the potential for overlooking between the two properties a condition will be added to install a 2.2 metre high fence on the eastern boundary. To the southern elevation the shower room will be obscured glazed so is not considered to represent an overlooking impact. To the western frontage elevation the bedroom window will face a grassed frontage garden, the access road and the north-east corner of 88 Spalding Common. The frontage lounge window will face the access road. On the northern side elevation an access door will serve the lounge and face the existing 1.8 metre high fence with Fantail House. None of the above fenestration elements in the bungalow are considered to constitute material overlooking.

Overshadowing - Considerations have been made in the context of a one metre high finished floor level to address flood risk. The dwelling is sited to the north and east of 87 and 88 Spalding Common so there is not considered to be an overshadowing impact on these properties due to the southerly trajectory. Following a request from the local planning authority a detailed shadow cast report has been submitted. This show that there is not a material overshadowing impact on Fantail House to the north and and Appleton House to the east.

7. The site is in Environment Agency Flood Zone 2, and in a "Danger for Most" hazard area, with a maximum predicted flood depth of 0.5 metres at the western part of the site, and 1 metre where the proposed bungalow is sited.

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. A sense of place is not considered to be materially impacted by this proposal. The size, scale and layout of the proposed extension and bungalow is considered to be appropriate for the site. No trees will be removed to facilitate this proposal. Due to the minor size of the rear extension and the bungalow being set away from the highway there is not considered to be a material impact on the character and amenity of the surrounding area.

5. The existing dwelling and the proposed bungalow both have adequate space for Each property has no more than 3 bedrooms so the provision of two spaces accords with Appendix 6 of the SELLP.

11. There is not considered to be a material noise, odour or disturbance impact from the proposal. With regard to visual intrusion the following can be observed:

Overdevelopment - The proposed extension to the dwelling is subservient in scale and the plot size of the proposed bungalow site is larger than that of the existing dwellings 87 and 88 Spalding Common to the south.

Overlooking - Considerations have been made in the context of a one metre high finished floor level to address flood risk. There is not considered to be a material increase in overlooking from the proposed extension which has similar fenestration and is 1.4 metres closer to the northern boundary at first floor level but further away at ground floor level where is the existing kitchen is to be removed and replaced. These windows will face the 1.8 metre high boundary fence with Fantail House to the north as well as the frontage garden beyond, as the previous windows did. Fantail House was granted change of use permission to operate as a business use under application H16-0346-18. With regard to the bungalow, the proposed eastern rear elevation lounge, kitchen and bedroom windows are adjacent a 1.8 metre high fence beyond which Appleton House is sited. This property has an open frontage and can be viewed from the roads Spalding Common and South Drove. The nearest distance to habitable room fenestration at Appleton House is at the 13 metres to the ground floor dining room. To address the the potential for overlooking between the two properties a condition will be added to install a 2.2 metre high fence on the eastern boundary. To the southern elevation the shower room will be obscured glazed so is not considered to represent an overlooking impact. To the western frontage elevation the bedroom window will face a grassed frontage garden, the access road and the north-east corner of 88 Spalding Common. The frontage lounge window will face the access road. On the northern side elevation an access door will serve the lounge and face the existing 1.8 metre high fence with Fantail House. None of the above fenestration elements in the bungalow are considered to constitute material overlooking.

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12. The site is in Environment Agency Flood Zone 2, and in a "Danger for Most" hazard area, with a maximum predicted flood depth of 0.5 metres at the western part of the site, and 1 metre where the proposed bungalow is sited.

This application accords with SELLP Policy 3.

### Flood Risk

The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in area with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower probability of flooding. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risks as advised within Section 14 of the NPPF.

The site is located within Environment Agency Flood Zone 2 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) shows that the site falls within a "Danger for Most" hazard zone, with predicted flood depths of up to 0.5 metre at the western end of the site and 1 metre to the eastern end.

The Local Plan has allocated sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. Although the application site is not a housing allocation within the Local Plan (only suitable sites capable of accommodating 10+ dwellings have been allocated), the site does lie within the settlement boundary for Spalding. In general, there is a presumption in favour of sustainable development within settlement boundaries and windfall sites are expected to have a contribution towards housing supply (and maintaining the 5-year supply of deliverable sites) in the district. As such, one could argue that, should the site be acceptable in all regards, and if the Exceptions Test is successfully passed, that the site is acceptable in flood risk terms, notwithstanding the fact that there are sequentially preferable allocated sites in the adopted Local Plan.

In order for the Exceptions Test to be passed, it must be demonstrated that the proposed development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

With regard to the above, the development would provide some wider sustainability benefits to the community through a contribution (albeit small) towards housing supply, and other benefits including generating employment during the construction period and its proximity to a range of services and facilities.

The submitted flood risk assessment recommends that finished floor level of the proposed bungalow should be at a minimum level of 3.85m ODN (which is 1.05 metres above the existing ground level on the eastern area of the site. Taking into account the predicted flood depths previously identified, this should ensure that the development is safe for its lifetime.

In terms of drainage, the proposal is for surface water to be disposed of via soakaways and for connection to the made to the existing main drainage network for foul water disposal.

Given the above, the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk and drainage.

### Land ownership

Claims part of red line boundary is on land in their ownership. The plans submitted have a red line drawn over aerial photos to claim ownership of part of the site adjacent the bungalow, however, this is not a matter of material planning weight and no legal documents have been submitted that substantiate these claims.

## **PLANNING BALANCE**

It is considered that the siting of the proposed extension and bungalow can be accommodated on site without materially impacting the character and amenity surrounding area. The rear dwelling extension is a small distance of 1.4 metres closer at first floor level to the northern boundary, and the bungalow by virtue of its siting will not create an overshadowing impact, with a 2.2 metre high fence conditioned by the eastern boundary to the rear to reduce the likelihood of overlooking between the bungalow and Appleton House beyond. 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 and 14 of the National Planning Policy Framework, 2021.

## **CONCLUSION**

This application is recommended for approval.

## **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.