

**DECISION DELEGATED TO HEAD OF PLANNING**

**Application No:** H17-0201-23      **Applicant:** Mr L Stamp

**Proposal:** Demolition of existing chalet bungalow and associated buildings and construction of new house with detached garage

**Location:** 8 The Reservoir Surfleet Spalding

**Terminal Date:** 28th April 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               |
| 22         | Replacement Dwellings in the Countryside |
| 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:**

|                                                        | <b>Object</b> | <b>Support</b> | <b>No Obj.</b> | <b>Comments</b> |
|--------------------------------------------------------|---------------|----------------|----------------|-----------------|
| PARISH COUNCIL                                         | 0             | 0              | 0              | 0               |
| 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 DEEPINGS INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |
| SHDC INTERNAL                                | 0 | 0 | 1 | 0 |
| RESIDENTS                                    | 1 | 0 | 0 | 0 |

## **CASE OFFICER ASSESSMENT**

### **PROPOSAL**

This is a full application at 8 The Reservoir, Surfleet for demolition of the existing chalet bungalow and associated buildings, and the construction of a new house with a detached garage. The proposal seeks to provide a two storey dwelling which contains an open plan kitchen / dining and family area, wc, study and home office at ground floor level. At first floor level four bedrooms, a bathroom and a shower room are proposed. The dwelling will be constructed from a blue engineering brick base, rendered walls, anthracite grey windows and Edgemere concrete slate colour tiles.

The detached garage will be sited to the north of the dwelling on an area of land that is separated from the dwelling by a private road. Both areas of land are within the ownership of the applicant. Inside the detached double garage a store, wash room and wc will also be sited at ground level. At first floor level a store, study den and play pen will be sited. The dwelling will be constructed from a blue engineering brick base, rendered walls, anthracite grey windows and Edgemere concrete slate colour tiles. These materials match those of the proposed dwelling to the south.

### **SITE DESCRIPTION**

The site is outside of defined settlement limits and the adjacent buildings along The Reservoir are predominately single storey buildings of various ages and designs, that are mostly raised above ground level to address flood risk. The dwellings to the east and west of the site are single storey. The River Glen is located to the south with 37 Reservoir Road located beyond the northern boundary atop the riverbank. The site is flagged as a Water Storage Area on Environment Agency mapping and as a Functional Floodplain on the SELLP boundary map. Finished floor levels for the dwelling are to be set no lower than 5.08 metres above Ordnance Datum, which is approximately 1 metre above existing ground level.

### **RELEVANT HISTORY**

None

### **CONSULTATION RESPONSES**

Lincolnshire County Council - Highways & SUDS Officer

No objections.

South Holland District Council - Environmental Protection

No objections.

Welland & Deepings Internal Drainage Board

*"I recommend early consultation with the Environment Agency due to both the proximity and*

*potential discharges to the River Glen."*

#### Environment Agency

No objection subject to the following condition:

*"The development shall be carried out in accordance with the submitted flood risk assessment prepared by Ellingham Consulting Ltd, ref: ECL0970/L BLISS, dated February 2023 and the following mitigation measures it details:*

- Finished floor levels to be set no lower than 5.08 metres above Ordnance Datum (AOD)*
- The development to have at least two storeys*
- The property shall be built with openings underneath that should be left unobstructed to allow water to flow under the dwelling."*

#### Members of the public - 1

Disruption during the construction process from piling - This matter does not carry material planning weight.

### **PLANNING CONSIDERATIONS**

#### Principle of development

The principle of development is considered to be acceptable in this location. Whilst the application is for a new dwelling outside of defined settlement limits, it is a replacement dwelling, and is therefore not considered to increased housing in what is considered to be an unsustainable location in planning terms for new residential development.

#### 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 acceptable in this location. No trees will be removed to facilitate this proposal. There are other similarly designed and sized dwellings in the vicinity of this site, and there is not considered to be a material impact on the character and appearance of the surrounding area.
2. The design and orientation is in keeping with other similar riverside properties along The Reservoir.
3. The dwelling and garage will be constructed from a blue engineering brick base, rendered walls, anthracite grey windows and Edgemere concrete slate colour tiles.
4. The existing access point will not be altered. The garage and adjacent land can accommodate 4 off road parking spaces, which is above the minimum amount of three, required for new dwellings with four bedrooms or greater under Appendix 6 of the SELLP.
5. There is not considered to be a material impact on existing community services and infrastructure as a result of the proposal.
6. There is not considered to be a noise, odour or disturbance impact from the replacement dwelling. With regard to visual intrusion the following can be observed:

Overdevelopment - The proposal is not considered to constitute overdevelopment. The footprint of the new dwelling and garage is similar in size to that of the existing buildings on site. The height and massing of both buildings is in keeping with other recently approved replacement dwellings and outbuildings along The Reservoir.

Overshadowing - There is not considered to be a material overshadowing impact. Whilst there will be a degree of light loss to the adjacent side elevation windows of the adjacent single storey dwellings, there is not a material increase in light loss due to height and separation distance of the existing dwelling on site. The existing chalet bungalow dwelling is approximately 1.2 metres from the dwelling to the east. The new separation distance is 0.8 metres. There is an obscure glazed west

facing window at 9 The Reservoir, with the other side elevation window forming part of a wrap around south facing window. These windows will not suffer a material loss of light. The existing dwelling is approximately 4.4 metres from the dwelling to the west, the new separation distance is 1.2 metres. The east facing side window on 7 The Reservoir is a high-level obscure glazed bathroom window, with the other east facing window toward the front of the dwelling still receiving sunlight from the east during morning hours as it currently does. There are no habitable dwellings immediately to the west or east of the garage building and the separation distance of 15 metres to 37 Reservoir Road to the north-west means that there will not be a material loss of light when right to light lines are drawn.

Overlooking - There is not considered to be a material overlooking impact from the dwelling. There are no side elevation windows above ground floor level and the first floor windows do not directly face any other properties. Whilst the rear patio is raised approximately 1 metre above ground level, the viewing deck looks out over the River Glen and does not face the immediately adjacent properties. There are a number of similar raised decks on both sides of The Reservoir. There is not considered to be a material overlooking impact from the garage building. The first floor windows serve a play den / games room in the roofspace. With south facing rooflights serving a first floor store and study den. The south facing play den window directly faces the new dwelling, with the east facing windows facing the garages and outbuildings of neighbouring properties. There is not considered to be an overlooking impact to 37 Reservoir Road to the north as no forms of fenestration face this building.

7. The site is flagged as a Water Storage Area on Environment Agency mapping and as a Functional Floodplain on the SELLP boundary map. Finished floor levels for the dwelling are to be set no lower than 5.08 metres above Ordnance Datum, which is approximately 1 metre above existing ground level. Foul sewage will be addressed by a package treatment plant with surface water address by drainage to the existing watercourse of River Glen to the South. This is achieved by allowing any flood water to pass underneath the structure.

This application is considered to accord 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 acceptable in this location. No trees will be removed to facilitate this proposal. There are other similarly designed and sized dwellings in the vicinity of this site, and there is not considered to be a material impact on the character and appearance of the surrounding area. A sense of place is not considered to be impact by this proposal.

2. Private and public space is distinguished by additional amenity space for dwellings being located to the northern side of the road called The Reservoir. These amenity spaces are separated by varying forms of boundary treatment and can be accessed directly from the road.

5. There is adequate space on site for cycle and bin storage. The site can accommodate four off road parking spaces, which is above the minimum requested amount of three spaces for new dwellings of four bedrooms or greater under Appendix 6 of the SELLP.

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

Overdevelopment - The proposal is not considered to constitute overdevelopment. The footprint of the new dwelling and garage is similar in size to that of the existing buildings on site. The height and massing of both buildings is in keeping with other recently approved replacement dwellings and outbuildings along The Reservoir.

Overshadowing - There is not considered to be a material overshadowing impact. Whilst there will be a degree of light loss to the adjacent side elevation windows of the adjacent single storey dwellings, there is not a material increase in light loss due to height and separation distance of the existing dwelling on site. The existing chalet bungalow dwelling is approximately 1.2 metres from the dwelling to the east. The new separation distance is 0.8 metres. There is an obscure glazed west facing window at 9 The Reservoir, with the other side elevation window forming part of a wrap around south facing window. These windows will not suffer a material loss of light. The existing

dwelling is approximately 4.4 metres from the dwelling to the west, the new separation distance is 1.2 metres. The east facing side window on 7 The Reservoir is a high-level obscure glazed bathroom window, with the other east facing window toward the front of the dwelling still receiving sunlight from the east during morning hours as it currently does. There are no habitable dwellings immediately to the west or east of the garage building and the separation distance of 15 metres to 37 Reservoir Road to the north-west means that there will not be a material loss of light when right to light lines are drawn.

Overlooking - There is not considered to be a material overlooking impact from the dwelling. There are no side elevation windows above ground floor level and the first floor windows do not directly face any other properties. Whilst the rear patio is raised approximately 1 metre above ground level, the viewing deck looks out over the River Glen and does not face the immediately adjacent properties. There are a number of similar raised decks on both sides of The Reservoir. There is not considered to be a material overlooking impact from the garage building. The first floor windows serve a play den / games room in the roofspace. With south facing rooflights serving a first floor store and study den. The south facing play den window directly faces the new dwelling, with the east facing windows facing the garages and outbuildings of neighbouring properties. There is not considered to be an overlooking impact to 37 Reservoir Road to the north as no forms of fenestration face this building.

12. The site is flagged as a Water Storage Area on Environment Agency mapping and as a Functional Floodplain on the SELLP boundary map. Finished floor levels for the dwelling are to be set no lower than 5.08 metres above Ordnance Datum, which is approximately 1 metre above existing ground level. Foul sewage will be addressed by a package treatment plant with surface water address by drainage to the existing watercourse of River Glen to the South. This is achieved by allowing any flood water to pass underneath the structure.

This application is considered to accord with SELLP Policy 3.

#### Assessment against SELLP Policy 22 - Replacement Dwellings in the Countryside

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

1. The residential use of the existing chalet bungalow on site has not been abandoned.
2. The original building is permanent, has not become derelict and is not the result of a temporary permission.
3. The original building is not of architectural or historic merit.
4. The replacement building is of a high standard in terms of architectural detailing and materials of construction.
5. The replacement buildings are positioned on a similar footprint to the original dwelling and garage buildings on site.
6. The replacement dwelling does exceed the original floor area of the existing by more than 40% but does not exceed 40% of the original footprint. Given the need to raise finished floor levels for flood safety purposes and the minimal amenity impact, the increased building size is considered to be appropriate in this location.

This application is considered to accord with SELLP Policy 22.

#### **PLANNING BALANCE**

It is considered that by virtue of the building designs that the replacement dwelling will ensure the visual quality of the surrounding area, ensure the dwelling is safe from flood waters, and not material impact the amenity of neighbouring properties. This application is considered to accord with Policies 1, 2, 3, 4, 10, 11, 17, 22, 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.