

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H17-0507-21	Applicant:	Mrs S Lamb
Proposal:	Proposed replacement dwelling and garage/utility - approved under H17-0047-19. Modification of Condition 2 to allow amendments to previously approved plans.		
Location:	14 The Reservoir Surfleet Seas End Spalding		
Terminal Date:	1st July 2021		

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
29	The Historic Environment
22	Replacement Dwellings in the Countryside
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places
 Section 14 - Meeting the challenge of climate change, flooding and coastal change
 Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	0	1
RESIDENTS	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is an application to modify the previously approved plans relating to a proposed replacement dwelling and garage/utility at 14 The Reservoir, Surfleet Seas End.

The proposal is now to also raise the floor level of the utility and log store element to the same height as the replacement dwelling (4.85m OD), and resultingly the first floor storage space, as a flood mitigation measure. The new maximum ridge height would be approx. 5.9m. The materials of construction and layout of both the replacement dwelling and garage/utility building are to remain as previously approved.

Site Description

As original application, except development has now commenced with the dwelling having been demolished.

History

H17-0047-19 - Full application - Replacement dwelling and garage/utility (approved October 2019)

Consultation Responses

Environment Agency - Satisfied that Condition 2 can be amended to allow the proposed amendments.

Public (1 comment received, summarised) -
- Query re maximum height of proposed building

Planning Considerations

Principle

The principle of residential development on the site has already been established through the previous approval and development has now commenced. The key issue in this case, therefore, is whether the latest proposal is acceptable in planning terms.

Visual impact

The maximum ridge height of the building as approved is approx. 6.4m, with a maximum eaves height of approx. 4.1m. Whilst the ridge height of the log store and utility is clearly now higher than previous (by approx. 1.1m) due to floor levels being raised, the highest part of the roof is now lower at approx. 5.9m. Given that the continuing trend in this particular area is for higher floor levels, be it through replacement dwellings or raising existing dwellings, and by virtue of that higher overall ridge heights, it is not considered that the proposed amendment would have a material adverse visual impact on the area.

Overall, it is considered that the proposal would be acceptable in character terms and satisfactorily accords with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; and size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings and the landscape character of the location.

Residential amenity

It is not considered that raising the floor levels, and resultingly the overall height, of the garage/utility building would have a material adverse impact on residential amenity.

All fenestration is either front (south-east) or south-west facing and all are to non-habitable spaces,

thus there would not be a material overlooking impact in planning terms.

The building is approx. 8m from the rear boundary at its closest point, with a further 7.3m approx. beyond this to the new dwellings currently under construction at 43- 45 Reservoir Road. There would be a 1m separation distance to the north-eastern boundary and an approx. 1.8m separation distance to the south-western boundary. It is set back 8m from the roadway serving properties on this side of The Reservoir. Given the maximum overall height of 5.9m and the distance to/orientation of surrounding spaces/uses, it is not considered that the raising of the floor levels would have a material overbearing or overshadowing impact. The properties on The Reservoir are on the opposite side of the roadway and tend to have their main living spaces facing the opposite direction towards the reservoir. Development on the side of the roadway where the garage and utility building is to be sited tends to be limited to storage and parking use. Thus there would not be an amenity impact in this regard.

Overall, there are not considered to be any significant or demonstrable adverse impacts relating to residential amenity that would warrant refusal of this proposal. The proposal is considered to accord with Policies 2 and 3 of the Local Plan in respect of their provisions on residential amenity.

Flood risk

The proposal to also raise the floor level of the utility and log store element to the same height as the replacement dwelling (4.85m OD) is as a flood mitigation measure and will decrease the likelihood of these spaces being inundated in a flood event.

The Environment Agency have no objection.

The proposal therefore satisfactorily accords with Policies 2, 3 and 4 of the Local Plan which require proposals to provide appropriate means of flood defence/mitigation.

Planning Balance

The proposed increase to the floor levels of the garage/utility building is considered acceptable in terms of its visual and amenity impact and will provide better flood protection than the arrangement previously approved.

The planning balance is considered to be in favour of the proposal.

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.

Conclusion

Taking the above into account, the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan, as well as Sections 12 and 14 of the National Planning Policy Framework (2019).

The recommendation is therefore for a delegated approval.