DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H17-1066-19**	**Applicant:**	**Mr Chris Douglas**
Proposal:	Replacement single-storey dwelling and detached garage		
Location:	River House 6 The Reservoir Surfleet Seas End		
Terminal Date:	31st December 2019		

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

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 and 14 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	1	0
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an application for a replacement single-storey dwelling and detached garage at River House, 6 The Reservoir, Surfleet Seas End. The proposal seeks to demolish the existing dwelling and provide a single-storey dwelling containing two bedrooms, a shower, bathroom and open plan kitchen, dining and living area. A garage to the front would replace the existing carport. The proposed materials of construction are black timber cladding on a black brickwork plinth. Windows and doors are to be stained hardwood.

Site Description

The proposal is outside defined settlement limits and the surrounding area is characterised by dwellings of varying ages, design and materials of construction.

History

H17-0203-06

Full - Demolish existing extension and erection of new extension - Approved - 27 March 2006.

Consultation Responses

Environmental Protection Officer

No objections

Surfleet Parish Council

"Support for proposal but some concern about potential for flooding in light of previous and recent situation."

Environment Agency

Requests condition regarding finished floor levels and the dwelling allowing the free passage of flood waters underneath.

County Highways & SUDS Officer

No objections as development is located off a private road and not an adopted highway.

Planning Considerations

- Principle of development
- Flood risk
- Residential amenity
- Impact upon character and appearance of the area
- Parking provision

Principle of development

Policy 22 of the South East Lincolnshire Local Plan, 2019 indicates that proposals for the erection of replacement dwellings outside defined settlement boundaries will be permitted provided that:

1. the residential use of the building to be replaced (the original building) 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 and is not capable of repair;
4. the replacement building is of a high standard in terms of architectural detailing and materials of construction;
5. the replacement building is positioned on a similar footprint to the original building unless it can be demonstrated that the re-positioning would have beneficial impacts such as improving the character and appearance of the site and its locality; and
6. the replacement building does not exceed the floor area of the original dwelling by more than 40%, unless the development is of exceptional quality or innovative in nature in terms of its design, use of materials and levels of energy efficiency.

Addressing the above, the residential use of the building has not been abandoned and, although it is effectively temporary in construction, has been sited in this location for a considerable period of time. The Reservoir is an area of Surfleet that was mostly developed from the 1930s onwards and there are a range of historic temporary properties as well as repurposed and prefabricated single storey buildings in the area, including the property in question. A number of these are of relatively poor constructional quality and several have been replaced in recent years due to their deteriorating state. A precedent has therefore effectively been set for the replacement of such buildings at The Reservoir.

It has been contended by LCC's Historic Environment Officer that The Reservoir is a non-designated heritage asset and that new development here should be sensitive to the surrounding historic environment, and designed with reference to locally distinctive materials and built forms in order to preserve The Reservoir's character and sense of place. This is a consideration, however The Reservoir is a setting that lends itself to a high quality form of development that seizes the opportunity to make the most of the waterside setting. Over the years, dwellings at The Reservoir have been replaced and some of these are more modern in terms of design, including no. 19 (application ref. H17-0597-12) which has a large glass frontage to take advantage of the views. The proposed design is modern in nature and high quality materials would be used in its construction.

The replacement dwelling is positioned on a very similar footprint to the original building.

The floor area of the replacement dwelling does not exceed that of the original dwelling by more than 40%.

Taking the above into account, there is not considered to be any significant conflict with Policy 22 of the Local Plan and, as such, a replacement dwelling is considered to be acceptable in this location in principle.

Flood risk

The site is within an area identified as a functional flood plan in the 2115 South Holland Strategic Flood Risk Mapping. The submitted FRA recommends that the finished floor level should be at a minimum of 5.21mODN, i.e. 150mm above the 1 in 100 year flood level to ensure that the property will not be subject to flooding.

Residential amenity

No windows are proposed on the side elevations of the replacement dwelling, nor are there any existing residential properties immediately to the front or the rear. Consequently there should be no issues of overlooking.

The proposed replacement dwelling would be on a similar footprint to the existing and would remain in line with adjacent properties. It is not considered that the increase in height would result in a material loss of light to the habitable rooms of adjacent properties - Both neighbouring properties have large openings on the south facing elevation - nor would it be so overbearing as to warrant refusal.

Impact upon character and appearance of the area

LCC's Historic Environment Officer has requested that careful consideration be given to the historic

significance of buildings such as 14 The Reservoir and the contribution they make to the area's character. It is accepted that the area does have a unique character but there are examples of more modern replacements, like no. 19 previously mentioned. Furthermore, as the site is located within a functional flood plain, there are certain aspects of the design that are dictated by the requirement for mitigation. There is a requirement for floor levels to be raised and it is preferable for sleeping accommodation to be sited at first floor which has a consequent impact on the height of any proposed replacement. Given the age of most of the properties at The Reservoir, and the temporary nature of most of these, it is to be expected that replacement dwellings will be sought in time and that the character will change because of this and the need to incorporate flood mitigation measures as previously described. Furthermore, the setting at The Reservoir offers the opportunity to bring forward higher quality development in the future to take advantage of this. The proposal seeks to do just that.

The proposed garage building to the front and solar panels atop the roof would be in keeping with the design of the proposed replacement dwelling and the area of land is of sufficient size to accommodate a building of that scale.

Overall, it is not considered that the proposal would have a significant adverse impact on the character and appearance of the area such as to warrant refusal.

Parking provision

Policy 36 (and associated Appendix 6) of the Local Plan covers parking requirements. Appendix 6 sets out that 2 parking spaces within the curtilage are required for properties with up to 3 bedrooms. The proposed garage and surrounding hardstanding would meet this requirement.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 10, 11, 17 and 22 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2019.

A delegated approval is considered to be appropriate.

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.