DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H17-1289-21**	**Applicant:**	**Mr & Mrs P Ingleby**
Proposal:	Demolition of existing dilapidated dwelling and erection of new dwelling - re-submission of H17-0466-21		
Location:	25 The Reservoir Surfleet Seas End Spalding		
Terminal Date:	7th February 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
22	Replacement Dwellings in the Countryside
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

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	1	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the demolition of an existing dilapidated pre-fabricated dwelling and erection of new dwelling at 25 The Reservoir, Surfleet Seas End. It is a re-submission of application ref. H17-0466-21.

The application is accompanied by a block plan which indicates a dwelling that would cover a footprint around twice the size of the existing dwelling. The front elevation would be positioned in a similar place to the existing, with the dwelling extending further back into the site than present. The replacement property would be two storey, with bedrooms at first floor, as recommended by the submitted flood risk assessment. The ground floor level of the dwelling would be at 4.85m AOD for flood mitigation. The majority of replacement dwellings recently permitted at The Reservoir are to be raised to approximately this height and is a generally accepted approach.

The following alterations are proposed as part of this re-submission:
- Vertical cladding no longer proposed at first floor level. Below ground floor, blue engineering bricks will still be utilised, but with the remainder of the property finished in render;
- First floor added above the W/C shower and part of utility at ground floor to allow additional room for en-suites to be created for all bedrooms;
- Roof height of entrance hall increased to meet ridgeline of remainder of dwelling. Height of dwelling remains the same
- Additional rooflight added to each of the roof slopes
- Alteration to style of windows on north-eastern elevation

Site Description

The existing property on the site is single storey in height with a pitched roof. The property has become dilapidated due to its age and nature of construction. It fronts onto Surfleet Reservoir and is sited in a similar position within the plot to the property to the south-west. The dwelling on the opposite side is set much further back in a south-easterly direction. The site slopes to the rear up to the roadway, which is accessed by existing concrete steps. There is approx. 2m high close board and concrete gravel board boundary treatment to the west and east. There is also higher hedging along the eastern boundary. Existing development along The Reservoir is mixed in terms of design and age, with some recent replacements visible.

History

H17-0466-21 - Full - Demolition of existing dilapidated pre-fabricated dwelling and erection of new dwelling (approved July 2021)

Consultation Responses

LCC Highways/SUDS - Does not wish to restrict the grant of permission. The proposal is for the demolition of existing dwelling and erection of a new dwelling which is located off a private road and it does not have an impact on the Public Highway or Surface Water Flood Risk. However, we draw the attention to the LPA of the Environment Agency comments in relation to Flood Risk.

Environment Agency - No objection subject to the development being carried out in accordance with the submitted flood risk assessment plus associated addendum.

SHDC Environmental Protection - As per the previous application, I recommend the standard land contamination condition be applied at this location.

Public (1 comment received) - This application has been made under the previous owners Mr & Mrs P Ingleby. The property has been sold, and the sales completed approximate date November 2021. Is this application still valid?

Planning Considerations

- Principle
- Flood risk
- Residential amenity
- Impact upon character and appearance of the area / heritage assets
- Other

Principle

The site lies outside of any settlement boundary, as set out in the South East Lincolnshire Local Plan (2019), and is therefore classed as being in the countryside.

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.

LCC's Historic Environment Officer has commented on previous applications for other replacement dwellings in the vicinity 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. The proposed design is modern in nature and good quality materials would be used in its construction.

The replacement dwelling is positioned on a similar footprint to the original building, although it is larger. The floor area of the replacement dwelling exceeds that of the original dwelling by more than 40%. However, this is partly due to the introduction of an additional storey as recommended by the flood risk assessment. The plot can accommodate a larger dwelling, which the applicant is seeking to make best use of.

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 South East Lincolnshire

Strategic Flood Risk Assessment (March 2017). The submitted FRA recommends that the ground floor level should be at a minimum of 4.85m OD, which is just above the predicted flood level (4.83m OD). It also recommends that any dwelling be two storey, with bedrooms at first floor. The proposal complies with these recommendations. The Environment Agency have no objections subject to the development being carried out in accordance with the submitted FRA and associated addendum.

Given the above, it is considered that the proposed flood mitigation measures accord with Policies 2, 3 and 4 of the Local Plan which require proposals to provide appropriate means of flood defence/mitigation.

Residential amenity

It is not considered that the proposal would have a material adverse impact on residential amenity in terms of being overbearing or causing overlooking or loss of light.

The windows and rooflights to the north-eastern elevation will overlook an area of vegetation, with the neighbouring property on that side (no. 38) being set much further back. The property to the north-east (no. 24) is approx. 25m away, which is sufficient to prevent a material overlooking issue. Windows and rooflights on the south-western side are high level and the front elevation faces onto the water, therefore there will be no overlooking aspect in this regard. The closest windows on the rear elevation of the new dwelling to no. 38 would be at an approx. 45 degree angle, therefore views would not be direct. Any views from the steps to the entrance on the north-eastern elevation or rear terrace would be fleeting. There is also already an element of overlooking from the existing rear terrace and it is understood that garden levels will remain as existing. On the basis of these considerations, it is not considered that there is justifiable reason for refusal on grounds of overlooking.

Although the proposed replacement would result in the introduction of an additional storey, and this latest proposal involves extending the first floor accommodation further, it is not considered that the increase in height would result in a material loss of light to the habitable rooms of adjacent properties nor would it be so overbearing as to warrant refusal. No. 38 is located to the south-east of the proposal and no. 26 is to the west/south-west. Therefore taking into account the path of the sun, there would would not be a material loss of sunlight to these properties. There will be an approx. 3.9m separation distance between no. 25's replacement and 26 and no. 38 is angled somewhat away from the application site. It is therefore not considered there would be a material overbearing impact. Furthermore, there are examples of dwellings of varying height sited next to one another on this side of The Reservoir e.g. no's. 29 and 30.

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.

Impact upon character and appearance of the area / heritage assets

LCC's Historic Environment Officer has previously indicated 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. It is accepted that the area does have a unique character but there are examples of more modern replacements on The Reservoir. 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. The ridge height of the proposed replacement would be higher than the existing and neighbouring properties but, as previously mentioned, there are examples of dwellings of varying height sited next to one another. 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.

In this re-submission, vertical cladding is no longer proposed at first floor level. Below ground floor, blue engineering bricks will still be utilised, but with the remainder of the property finished in render.

The dwelling it is to replace has the appearance of being rendered and there are other rendered properties on The Reservoir. This change is therefore considered acceptable in visual terms.

With regard to other alterations to the proposal previously approved, a first floor has now been added above the W/C shower and part of the utility at ground floor to allow additional room for en-suites to be created for all bedrooms and the roof height of the entrance hall has increased to meet the ridgeline of the remainder of the dwelling. The overall height of the dwelling remains the same and is still within the confines of the footprint of the replacement originally proposed.

The alteration to the style of the windows on the north-eastern elevation is minor in visual terms.

Overall, it is considered that the proposal would be acceptable in terms of character 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.

Other

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 submitted block plan indicates two parking spaces adjacent to the roadway to the south. It has been indicated that the applicant does not own the parking area, but it is understood that none of the occupants of this part of The Reservoir own the parking areas they utilise. In any case, land ownership is a civil matter and parking is available further to the east if required.

It has been queried by a member of the public as to whether the application is still valid as the site no longer belongs to the named applicants. The application is valid as Certificate B of the application form has been signed indicating that notice has been served on the relevant owner.

Planning Balance

It has previously been advised that The Reservoir should be treated as a non-designated heritage asset due to its unique and distinct character. Whilst this is acknowledged, the proposal would result in a form of development that would be better protected against a flood event, would be more attractive in visual terms and more permanent in structure. The principle of a replacement dwelling in this location is acceptable and no new material amenity or character issues have been identified in regard to this re-submission.

The planning balance is therefore considered to remain 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 (as re-submitted) is considered to be in accordance with Policies 2, 3, 4 and 22 of the South East Lincolnshire Local Plan, as well as Sections 12 and 14 of the National Planning Policy Framework (2019).

The recommendation is therefore for a delegated approval.