

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H17-1340-21	Applicant:	Mr M Gray
Proposal:	Replacement Cottage		
Location:	Orchard Cottage Birds Drove Surfleet		
Terminal Date:	1st March 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
22	Replacement Dwellings in the Countryside
28	The Natural Environment
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
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1

WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application for a replacement cottage at Orchard Cottage, Birds Drove, Surfleet. The proposal seeks to provide a two storey, three bay Fenland Cottage design that is constructed from red brick and a natural grey slate roof covering. The exact details of materials would be addressed by condition. Additional design features include brick tumbling to the gables, hit and miss brick detailing to the eaves, as well as arched brickwork over the windows. There is also to be cast iron effect black guttering with fall and rise brackets.

The proposed replacement dwelling will contain a lounge, wc, study, utility and an open plan kitchen / family area at ground floor level. Four bedrooms, an en-suite and a bathroom will be sited at first floor level. The dwelling is 10.95 metres in width, 10.9 metres in maximum depth, with a 4.68 metre eaves height and a ridge height of 7.35 metres.

SITE DESCRIPTION

The site is outside of defined settlement limits in the open countryside. The surrounding area is predominately rural, characterised by buildings of varying ages and designs. The proposed replacement dwelling is in Environment Agency Flood Zone 3, and is in a "Low Hazard" hazard area with a maximum predicted flood depth of 0.25 metres.

RELEVANT HISTORY including applications for what is now the adjacent site at Mala Wala

H17-0500-92

Full - Replacement dwelling - Approved - 04 August 1992

H17-0728-95

Condition Compliance - Details of design and external appearance of replacement dwelling (Condition 2 of H17/0500/92) - Approved - 31 May 1996

H17-1051-97

Condition Compliance - Details of landscaping and external materials (Conditions 3 & 5 of application H17/0500/92) - Approved - 22 October 1997

H17-1188-19

Section 73 Continuation - Replacement dwelling - approved under H17-0500-92 - Modification of Condition 6 to allow cottage to be demolished before replacement dwelling is inhabited - Approved - 30 January 2020.

H17-0933-21

Full - Retention of vernacular style cottage as a dwelling house, contrary to the requirement of Condition 2 of planning permission H17-1188-19 for the dwelling to be demolished - Approved - 02 November 2021.

H17-1347-21

Section 73 Continuation - Replacement Dwelling - approved under H17-1188-19. Modification of Condition 1 to allow amendments to previously approved plans and removal or modification of Condition 2 to allow the existing dwelling to remain on site - Approved - 23 February 2022.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No observations. Requests standard access and utility informatives.

LCC - Historic Environment Officer

Directs applicant to look at Historic England's guidance on improving energy efficiency in older homes. "Its research has also demonstrated that retrofitting traditional buildings can often significantly outweigh the carbon emissions of demolition and replacement with a typical new build when the embodied carbon is included as well as day-to-day energy consumption." If the Local Authority is minded to grant approval then standard archaeological works conditions should be added.

SHDC - Environmental Protection

No comments or objections.

Welland and Deepings Internal Drainage Board

"If any surface water or treated effluent discharges are proposed to any watercourse from the site then the prior written consent of the Board would be required."

Surfleet Parish Council

Support

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Countryside. This section of the policy states:

The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside.

In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

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

Economically the site will provide short term construction jobs. Community benefits will be retention of a residential use in the vicinity. Environmental benefits will be to provide a modern, energy efficient dwelling. Additionally the appearance of the site will be tidied up. Visually the dwelling and surrounding land is detrimental to the amenity and character of the surrounding area. The principle of development in this location will be primarily assessed against Policy 22 of the SELLP which is titled "Replacement dwellings in the Countryside." This is because the proposal does not add to the total housing stock in this location.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

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

1. The size, scale and layout is comparable to the footprint of the existing dwelling. No trees will be removed to facilitate this proposal. The character and appearance of the area is not materially impacted and the cottage is compatible with existing development and land uses.
2. The design is that of a standard 3 bay Fenland cottage which is considered to improve the visual amenity of the site and surrounding area. The orientation is toward the highway and is on similar line of frontage to other dwellings along Birds Drove.
3. The proposal seeks to provide a two storey, three bay Fenland Cottage design that is constructed from red brick and natural grey slate roof covering. The exact details of materials would be addressed by condition. Additional design features include brick tumbling to the gables, hit and miss brick detailing to the eaves, as well as arched brickwork over the windows. There is also to be cast iron effect black guttering with fall and rise brackets.
4. The access is to the south of the proposed dwelling. The vehicular access will replace an existing pedestrian access. An application was made to the Drainage Board back in November 2021 who have no objections to the submitted details. The dwelling has three bedrooms. The site affords in excess of two off road parking spaces which is the minimum requested under 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 noise, odour or disturbance impact from the proposal. With regard to visual intrusion the following can be observed:

Overdevelopment - The proposal is not considered to represent overdevelopment. There are large garden areas to the front and rear of the property.

Overshadowing / Overbearing - The proposed dwelling is approximately 11 metres from Mala Wala to the west and 18 metres from the garage serving Mala Wala to the south-south-east. The ridge height of the replacement dwelling is 7.35 metres. Using right to left calculations no buildings will experience a material overshadowing or overbearing impact.

Overlooking - There is not considered to be any fenestration on the northern frontage and eastern side elevation for which overlooking concerns can be assigned. With regard to the western side elevation there are two ground floor windows that serve a family room and kitchen these windows will face a close boarded boundary fence. There is not considered to be an overlooking aspect from these windows. The first floor western side elevation window will serve a bedroom. There are no side elevation windows to the eastern side elevation of the neighbouring property Mala Wala. The applicant proposes the installation of trees along the western boundary which will help to reduce any potential overlooking from Orchard Cottage or Mala Wala.

On the rear projection of Mala Wala there are eastern side elevation windows that serve a kitchen room and a dining room. These windows are approximately 23 metres away from the first floor bedroom window of Orchard Cottage at the nearest point. The windows do not directly face each other.

With regard to the southern elevation of the proposed replacement dwelling, there are ground floor bifold doors serving the kitchen, as well as a utility room door and a lounge window. These windows

will face the Laurel hedge on the southern boundary. This is considered to eliminate any potential overlooking to the detached garage which is not a building containing habitable rooms. At first floor level there are two south facing rear elevation windows serving bedrooms. The window serving bedroom 2 is not considered to have an overlooking impact as the two storey rear projection prevents visibility of the dwelling, with the detached garage not containing habitable room usage. The window serving bedroom 1 is set far back enough in the site that it solely affords a view of the detached garage but none of the adjacent dwelling. There is not considered to be a material overlooking impact from the proposed dwelling.

7. The proposed replacement dwelling is in Environment Agency Flood Zone 3, and is in a "Low Hazard" hazard area with a maximum predicted flood depth of 0.25 metres. The proposed finished floor level is 300mm. This is standard floor level for any new dwelling in the district that is not subject to increased flood hazard or flood risk.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:

1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

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

1. A sense of place is not considered to be impacted by the proposal. The size, scale and layout is comparable to the footprint of the existing dwelling. No trees will be removed to facilitate this proposal. The character and appearance of the area is not materially impacted and the cottage is compatible with existing development and land uses.

5. There is adequate space on site for storage of bins and bicycles. The dwelling has three bedrooms. The site affords in excess of two off road parking spaces which is the minimum requested under Appendix 6 of the SELLP.

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

Overdevelopment - The proposal is not considered to represent overdevelopment. There are large garden areas to the front and rear of the property.

Overshadowing / Overbearing - The proposed dwelling is approximately 11 metres from Mala Wala to the west and 18 metres from the garage serving Mala Wala to the south-south-east. The ridge height of the replacement dwelling is 7.35 metres. Using right to left calculations no buildings will experience a material overshadowing or overbearing impact.

Overlooking - There is not considered to be any fenestration on the northern frontage and eastern side elevation for which overlooking concerns can be assigned. With regard to the western side elevation there are two ground floor windows that serve a family room and kitchen these windows will face a close boarded boundary fence. There is not considered to be an overlooking aspect from these windows. The first floor western side elevation window will serve a bedroom. There are no side elevation windows to the eastern side elevation of the neighbouring property Mala Wala. The applicant proposes the installation of trees along the western boundary which will help to reduce any potential overlooking from Orchard Cottage or Mala Wala.

On the rear projection of Mala Wala there are eastern side elevation windows that serve a kitchen room and a dining room. These windows are approximately 23 metres away from the first floor bedroom window of Orchard Cottage at the nearest point. The windows do not directly face each other.

With regard to the southern elevation of the proposed replacement dwelling, there are ground floor bifold doors serving the kitchen, as well as a utility room door and a lounge window. These windows will face the Laurel hedge on the southern boundary. This is considered to eliminate any potential overlooking to the detached garage which is not a building containing habitable rooms. At first floor level there are two south facing rear elevation windows serving bedrooms. The window serving bedroom 2 is not considered to have an overlooking impact as the two storey rear projection prevents visibility of the dwelling, with the detached garage not containing habitable room usage. The window serving bedroom 1 is set far back enough in the site that it solely affords a view of the detached garage but none of the adjacent dwelling. There is not considered to be a material overlooking impact from the proposed dwelling.

12. The proposed replacement dwelling is in Environment Agency Flood Zone 3, and is in a "Low Hazard" hazard area with a maximum predicted flood depth of 0.25 metres. The proposed finished floor level is 300mm. This is standard floor level for any new dwelling in the district that is not subject to increased flood hazard or flood risk.

This application accords with SELLP Policy 3.

Assessment against SELLP Policy 22 - Replacement Dwellings in the Countryside

This proposal is assessed against SELLP Policy 22 titled - Replacement Dwellings in the Countryside. This policy states:

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.

Where permission is granted, Permitted Development Rights may be removed in order to control

future alterations or extensions that may impact on the appearance and character of the surrounding area.

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

1. The residential use of Orchard Cottage has not been abandoned.
2. The original building is permanent, has not become derelict and is not the result of 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 building is position on a similar footprint, however is sited a little further away from the western boundary adjacent to the dwelling Mala Wala beyond. The repositioning is considered to benefit the character and amenity of the site and surrounding area.
6. The replacement dwelling does not exceed the floor area of the original dwelling by more than 40%.

This application accords with SELLP Policy 22.

Assessment of historic merit of Orchard Cottage

The Lincolnshire County Council Historic Environment Officer supports retention of the existing building on site. They have stated: "Contrary to the developer's planning statement, this office did highlight that the cottage now proposed for demolition was of local historic interest in our comments on the previous application for it to be retained (H17-0933-21). Orchard Cottage is a vernacular fenland cottage of a kind which is increasing being lost to demolition or insensitive renovation, which contributes to the character and local distinctiveness of the area."

With regard to the building being considered of Historic Interest, the existing dwelling is not listed, not subject to an Article 4 Direction or located in a conservation area. Photographic evidence has been recorded by the Planning Officer which shows that whilst the dwelling is structurally sound a substantial amount of money would be required to make it suitable for modern living and provide the energy saving measures requested by the Historic Environment Officer. The size of building is fairly humble and whilst the building may represent a vernacular Fenland cottage, this alone just not justify it's retention. It is not considered that the building materially contributes to the character of the area as the building is not orientated toward the highway, the site is overgrown, and there are a variety of buildings of varying ages and designs in the area.

PLANNING BALANCE

It is considered that the proposed replacement dwelling enhances the character and amenity of the surrounding area by replacing a rundown building of no historical value with a modern, energy efficient dwelling. This application accords 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.