

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H18-1068-23 **Applicant:** R Hook

Proposal: Erection of dwelling and garage (retrospective) - previously approved under H18-0865-22

Location: Rear Of 2 Wharf Street Sutton Bridge Spalding

Terminal Date: 29th January 2024

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

02 Development Management
03 Design of New Development
04 Approach to Flood Risk
30 Pollution

National Guidance**National Planning Policy Framework 2023**

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for 'Residential Development - Erection of Dwelling & Garage (Retrospective)'. In real terms the dwelling has already been built, but not in accordance with the plans. Changes made during construction relate to the creation of ramp access points around the dwelling as well as a first-floor conversion of the roof space above the kitchen, this involves the installation of a roof light.

This application also seeks permission to erect 2.4m high close boarded timber fencing on the south and west boundaries.

Site Description

The site is within defined settlement limits of Sutton Bridge located behind dwellings fronting Wharf Street and Custom House Street, this area is home to a broad housing mix including terrace properties as well as detached dwellings, to the east the residential development of Garners Wharf represents an adaptive reuse project that is located in behind closed gates. The application site is accessed through an alley between dwellings fronting Wharf Street and Garners Wharf.

The dwelling is already built out and made up of a multi-finish facing brick, grey roof tiles, anthracite UPVC opening and solar panels on the roof. Ramp access points are already laid and created as is the internal roof conversion complete with roof light.

The site is in Environment Agency Flood Zone 3, and in a "Danger for All" hazard area with a predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping.

History

H18-0865-22 - Residential Development - Erection of Dwelling & Garage. Approved 16-11-22

Consultation Responses

IDB - As Land Drainage Consent is required, the Board strongly recommends that this is sought from the Board prior to determination of this planning application. The Board will only consider the proposals in detail on receipt of an application for Land Drainage Consent. The annexe at the end of this letter outlines the Board's regulatory function and how to apply for Land Drainage Consent.

Environmental Protection - No comments

Environment Agency - Recommends Condition

Parish - The parish have raised concerns relating to:

Detrimental effect of the proposed development on the character of the local area - the size, scale and layout of the dwelling is not comparable to other properties in the vicinity, the building is considerably larger and higher than those around it.

Overshadowing - the building is considerably higher than originally proposed.

Overlooking - the building and windows are higher than originally proposed.

Planning Considerations

The dwelling has already been built and residential development of the plot has therefore been established. The dwelling however has not been built in accordance with the approved plans and

unauthorised works have taken place. To prevent enforcement action occurring this application has been submitted to address those works that do not have planning permission.

This application seeks retrospective permission for the installation of ramped access points as well as the conversion of the roof space above the kitchen to be used as a dressing room. This has also resulted in the installation of a roof light. Aside from these features the applicant also seeks to install a 2.4 close boarded timber fence on the south and west boundaries to protect from overlooking issues.

Given the scenario that the dwelling is already built the considerations relevant to this assessment relate only to:

- Residential Amenity Impacts
- Character Impacts
- Other matters

Impact upon amenity

Policy 2 of the SELLP is concerned with Development Management, Point 1 and 6 of the policy are especially pertinent, they state "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 And
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;

Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

The proposal seeks to erect a close boarded timber fence along the southern and western boundaries. This fence is to be set at 2.4m in height. At present the kitchen on the south elevation allows for a clear line of sight into the rear opening and amenity space of numbers 2 and 4 Wharf Street. The fence at present is set no higher than 1.8m.

There are two entrance points to the dwelling, the main entrance on the south elevation and the dining room on the west. These were previously approved to have a stepped access, the top step on the western access (serving the dining room) is set at 1m above external ground levels at 11.02m AOD. The access is now ramped, but height above ground level remains the same. The boundary treatment on this side has been conditioned to be set at 2.4m also. Whilst due to the arrangement and orientation of other dwellings there would be limited impact from the south (main entrance) ramp it is considered that given the platform is at a height or 1m above existing levels that there is still potential for overlooking from the western access to the dining room. (This scenario would realistically only make a screen of 1.4m) Therefore, a condition will be attached which requires the submission of a privacy screen located on the top of the ramp (and partially down it) that would prevent any undue overlooking into the rear openings and amenity areas of the dwellings fronting Customhouse Street.

The impact from the kitchen window upon the rear of dwellings fronting Wharf Street is still not clear despite the provided cross section. There is still potential for some level of visual intrusion. A condition will be attached that will seek further information on how visual intrusion is addressed, this should be agreed prior to the first occupation and implemented within 3 months of that agreement. The approach could be from a combination of boundary treatments and landscaping or given that another window exists within that room (kitchen), obscuring the window (along with the provision of a fence) may provide an acceptable solution.

There would be some overbearing impacts in relation to the proposed fence heights, the fence by fortune would be located north of the dwellings fronting Wharf Street and east of the dwellings fronting Customhouse Road. Due to this the impact from overshadowing would be acceptable. In terms of the overbearing effect from the fence this whilst giving rise to some impacts it is also considered acceptable, the approved dwelling itself (which is already built) would have a greater impact.

It is considered that the ramp access has no material affect over what the stepped access would have created, and this is considered acceptable in amenity terms. Furthermore, the roof light is located on an eastern roof pitch and would not allow for any undue overlooking.

Given this mitigation it is considered that the proposal would accord with SELLP Policies 2 and 30.

Character & Appearance

Policy 2 of the SELLP states that 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. Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to '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'.

Policy 3 sets out the 'Design of new development' in part it states that "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"

The impact of the fence would have a limited effect upon the character of the wider area, being largely unseen and localised to residents who would experience it as a rear boundary. That said, if the boundary treatment was any higher it would give rise to unacceptable levels of visual amenity directed towards neighbours and future residents. The ramped access and roof light would have a negligible impact over what has already been approved on this site, and are built in matching materials.

On this basis it is considered that the proposal would accord with SELLP Policies 2 and 3.

Other Matters

The previous application was approved subject to the submission of a landscaping scheme, boundary treatments as well as electricity and gas boxes, these were approved under H18-0090-23. The EA have again requested that the dwelling is built out in accordance with the previously submitted FRA and that FFLs shall be no lower than 1m above existing external ground levels. Given that the dwelling is mostly complete and in accordance with this requirement then it is not necessary to reattach such a condition. (The proposed floor plans show that the FFLs in any case and these are 1m higher than external levels).

Lastly the Parish have been in dialogue surrounding their comments. They do have concerns in relation to overlooking, these have been duly considered within this report.

Conclusion

The proposal then subject to conditions requiring further details in relation to boundary treatments/protection from overlooking from the kitchen opening (on the south elevation) as well as the erection of a privacy screening on the western access ramp is considered acceptable.

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.