DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H21-0984-22**	**Applicant:**	**Mr J Peggs**
Proposal:	Erection of dwelling (retrospective) - previously approved under H21-0674-20		
Location:	Adj. 41 Station Road Tydd Gote Wisbech		
Terminal Date:	6th December 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
11	Distribution of New Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

2. Achieving sustainable development
3. Plan-making
4. Decision-making
5. Delivering a sufficient supply of homes
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full retrospective planning permission is sought for a 4 bed detached two storey dwelling.

The application is a re-submission of a previously approved scheme H21-0674-20. The current application seeks the following amendments:

·Retention of existing access for use by dwelling (This access originally served No.41 before new central access was approved and installed).
·Additional single-storey rear extension to the dwelling to create a covered seating area measuring 5.6 metres (width) x 10.4 metres (depth) and standing at 3.5 metres in height (2.3 metres to the eaves)
·Removal of trees to site frontage and replace with new laurel hedge (as previously approved) and new 1.2m post and rail fence.

Site Description

The site is located on Station Road in Tydd Gote, Wisbech. It was previously part of the residential curtilage associated with No 41 Station Road. The site has already been split and the new dwelling has been constructed and is near completion. A chalet bungalow is located to the east (no. 43), with a high hedge on the common boundary. Residential properties are situated on the opposite side of Station Road.

Recent History

H21-0998-22 - Conversion of garage into dwelling (retrospective) - previously approved under H21-0725-20 including proposed extension - Pending consideration

H21-0725-20 - Full - Proposed garage conversion to dwelling including extension - Approved

H21-0674-20 - Proposed dwelling - Approved

Consultation Responses

Tydd St Mary Parish Council

Objection. All the non-compliance issues and constant retrospective applications for this site should be considered. Council have had grave concerns on this application from residents of the area. The proposal results in overdevelopment if the site.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board

Ground investigation is recommended to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface/foul water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Should the applicants proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3. If the proposals involve the alteration of a watercourse, consent would be required under the Land Drainage Act 1991 (and Byelaw 4).

Residents

One letter of objection has been received from a local resident siting the following concerns:

The single storey extension has been built without planning permission
Overlooking from the glazing in the rear extension
The extension is very close to the monkey puzzle tree
Is the monkey puzzle tree proposed to be removed?
Noise disturbance from construction works
Safety concerns from retaining the original access
The applicant has been using 41 station Road for storing equipment for his construction company
For the last four years much builders waste has been burnt on the site
A very large tank of diesel has been tucked behind the garage conversion
Only two off-street parking spaces are shown for the new dwelling
Discrepancies on the submitted plans/application

Planning Considerations

Principle

As indicated in paragraph 47 of the National Planning Policy Framework, 2021, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The proposed development is inside Tydd Gote Settlement Limit as defined within the South East Lincolnshire Local Plan, 2019. Policy 1 (Spatial Strategy) of the Local Plan indicates that within Other Service Centres, including Tydd Gote, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. Development will normally be limited to allocated and committed sites and infill. In this case the proposal constitutes infill so no objections are raised in locational terms.

Character/Appearance

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

The site is located outside Tydd Gote Conservation Area. There is an eclectic mix of dwellings in this part of the settlement, in terms of age, spacing, building line and design/appearance. A modern chalet bungalow (no. 43) is situated to the east. No. 41, which is also a contemporary property (house), is located to the west and a chalet (no. 39) beyond. A detached house and two pairs of semi-detached Edwardian houses are located opposite.

The proposal remains largely the same as approved with the exception of a single storey rear extension to create a covered seating area measuring 5.6 metres (width) x 10.4 metres (depth). It is accepted that the element to the rear significantly increases the footprint of the dwelling, however, the dwelling remains well spaced and satisfactorily fits within the street scene. Sufficient outdoor amenity space is retained therefore the increase in the footprint of the dwelling is not considered to result in overdevelopment of the site. The use of TBS Audley Antique bricks with Marley Ashmore roof tiles are considered acceptable given the varied material in the street scene.

The current scheme also proposes the retention of an existing access and this is not considered to materially change the overall appearance of the site therefore this element can be accepted.

Removal of trees to the site frontage and replacement with a new laurel hedge (as previously approved) and new 1.2m post and rail fence is also considered acceptable as the trees have already been felled and the Authority has no control over this matter because the trees were not the subject of a tree preservation order or within the Conservation Area. The hedging along the front boundary has been removed, however, the majority of this is proposed to be replaced.

The proposal satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

One local resident has objected to the proposal on grounds that there would be overlooking from the glazing in the rear extension and due to noise disturbance from construction works. The concerns are noted and discussed below.

A chalet bungalow is located to the east (no. 43), with a high hedge on the common boundary. No. 41 (detached house) is located to the west and a chalet (no. 39) beyond. A detached house and two pairs of semi-detached houses are located opposite.

The only window on the eastern elevation is a first floor en-suite window, which will be obscure glazed. Bedroom windows are located at the rear and front and would only overlook nearby properties at an oblique angle or distance. With regards to the glazing in the single storey element to the rear, the neighbour who has raised the concerns would not have any view of the extension as it would be largely blocked by no.41. in addition, there would not be any prominent views above the 1.8 metre boundary fence. As such it is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, etc.

It is accepted that the new single storey rear element has a significant rear projection and sits close to the shared boundary with no.43. However, given its limited height and the fact it is single storey it is not considered to result in any overbearing impact or unacceptable overshadowing. The eaves would sit only marginally higher than the 2 metre boundary fence and the pitch of the roof would face away from this neighbour, thereby further reducing any potential impact.

It is accepted that there would be some additional noise and disturbance generated by additional vehicles and general activity within gardens, etc, as well as constructional work. However, the latter would be temporary. It is considered that there is not sufficient reason to refuse the application on the grounds of noise and disturbance.

The proposal satisfactorily complies with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan in terms of residential amenity.

Highway Safety

Concerns have been raised by a local resident that there are safety concerns from retaining the original access and that the submitted plans show only 2no off-street parking spaces within the site. The concerns are noted, however the Local Highways Authority has not raised any concerns with the proposed access arrangements. It has advised that the access arrangement now being proposed is preferable, in highways terms, to that of the previously consented development and that the proposed development would not be expected to have an unacceptable impact upon highway safety. With regards to concerns that the submitted plans show only 2no parking spaces within the site, the concerns are noted, however the driveway appears sufficient to accommodate at least 4no vehicles therefore the site exceeds the current parking requirements as a maximum of 3no off-street parking spaces are required within the site.

As such the proposal satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan in terms of highway safety/parking requirements.

Flood Risk

The site lies within Flood Zone 2 defined by the Environment Agency Flood Maps. The latter have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zones 2 and 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The hazard mapping within the SFRA shows the site to be unaffected if a breach of the flood defence were to occur. The site is therefore sequentially preferable in flood risk terms. In this case, it is recommended that finished floor levels should be set 300mm above existing ground level.

Drainage

Surface water would be disposed to soakaways. It is considered that there is sufficient area within the plot to cater for soakaways and any necessary drainage field. Foul water would be disposed of to a mains sewer.

Other Matters

Concerns have been raised that the extension to the rear is close to the monkey puzzle tree in the rear garden and questions have been raised whether this tree is proposed to be removed. The concerns are noted, however, the extension has already been largely built and the tree in question is not protected by a TPO therefore any potential impact on this tree can on balance be accepted. The submitted plans do not propose the removal of this tree.

Issues have been raised over the accuracy of the plans and documents submitted. It is considered that the submitted details are sufficient to enable the Authority to make a reasoned decision.

Concerns have been raised that the applicant has been using no.41 station Road for storing equipment for his construction company. The concerns are noted, however, no.41 is outside the application site boundary therefore this would need to be dealt with separately.

It has been highlighted that a large tank of diesel has been tucked behind the garage conversion. The concerns are noted, however, the area in question is outside the application site boundary.

Concerns have been raised that for the last four years builders waste has been burnt on the site. the concerns have been noted, however the application could not reasonably be resisted on this basis and should be reported to Environmental Protection if this issue arises again in the future.

With regards to concerns raised over the loss of trees and wildlife, the loss of trees has already been addressed. Concerning protected species, there is now real evidence of their presence. However, it is recommended that a note be attached to any approval reminding the applicant of his obligations in this respect.

Concerns have been raised over possible vibration from construction machinery on the site. The concerns are noted, however, the site is near completion therefore it is not considered necessary to request a construction management plan at this stage.

Planning Balance

The principle of developing the residential scheme is acceptable at such location given the site is within the settlement boundary with previous outline permission.

The proposal is in a sustainable location for new housing. It is considered, on balance, that a single dwelling would not materially harm the character or appearance of the locality, the adjacent listed building nor would the proposal materially harm the amenity of neighbouring residents in terms of lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. LCC Highways have been consulted and have raised no objections on highway safety grounds. The proposal satisfies

the sequential/exceptions tests in terms of flood risk.

On balance, no adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

Taking into account the above, this application complies with Policies 1, 2, 3, 4, 11, 28, 29, 30, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 3, 4, 5, 9, 11, 12, 14, 15 and 16 of National Planning Policy Framework (2021).

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.

RECOMMENDATION

That the application be approved under delegated powers.