

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H23-0379-21 **Applicant:** Mr R Mills

Proposal: Proposed 4 bed dwelling and car port - approved under H23-0470-19. Modification of Condition 2 to allow amendments to previously approved plans

Location: Ferndale House Dowsdale Bank Shepeau Stow

Terminal Date: 4th June 2021

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
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 8, 9, 11, 12 and 14

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

The site has full planning permission for a 4 bed chalet type dwelling and detached car port within the front garden area (ref. H23-0470-19). This application is to amend the design of the detached garage (see information from applicant's agent). The main alterations are the replacement of the pitched roof with a gambrel (Dutch) roof and introduction of roof lights on the southern elevation.

Site Description

The site (some 0.085ha) is located within an existing frontage and was formerly garden associated with Ferndale (house). An existing hedge fronts the site.

A bungalow (Arabia) is situated to the south-west beyond a close boarded fence. A bungalow (Holly Cottage) is located to the north-east beyond Ferndale. The site is open to the rear and also opposite.

Policies/Constraints

The site is inside Shepeau Stow Settlement Limit as defined within the South East Lincolnshire Local Plan, 2019.

Previous Decisions

H23-1061-04 - Outline - Residential development - Refused on policy grounds 6 August 2004. Dismissed on appeal.

H23-0470-19 - Full - Proposed 4 bed dwelling and car port - Granted 2 August 2019.

H23-0032-20 - C/C - Details of conditions 3, 4, 5, 9 and 10 of H23-0470-19 - Approved 5 March 2020.

Consultation Responses

Whaplode Parish Council - Support.

Public - Resident objections (summarised):

Building at least twice the height of the original proposal; Believe it will be used as a residence and have a big impact on parking on which is already a dangerous road.

Information from Applicant's Agent (summarised):

A dimensional anomaly on the approved drawings caused an unacceptable loss of headroom in the first floor area of the garage building which only became apparent during construction. The proposed amendment to the roof configuration, with an associated adjustment of the internal staircase and personnel entrance door, allows for proper headroom without changing the building height, window positions, etc. There will be no impact on the adjacent dwelling as a result.

Planning Considerations

The main issue in this case is whether the revisions are acceptable on planning grounds.

Principle/Sustainability

The site is inside Shepeau Stow Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within "Other Service Centres and Settlements", including Shepeau Stow, 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 committed sites and infill.

Addressing the above, the proposal constitutes frontage infill. The site is therefore considered suitable in principle for residential development.

Character/Appearance and Amenity

A house (Ferndale) and bungalow (Holly Cottage) are located to the north east of the site and a bungalow (Arabia) to the south west. Existing development along Dowsdale Bank is generally varied in terms of design and appearance and includes a mixture of houses and bungalows. Moreover, the "building line" is somewhat varied with Ferndale being positioned closer to Dowsdale Bank than neighbouring development.

No alterations are proposed to the design of the 4 bed chalet type dwelling. The main alterations to the detached car port within the front garden area are the replacement of the pitched roof with a gambrel roof and introduction of roof lights on the southern elevation. The garage would have a height of some 6.05 metres, which is approximately the same as previously approved. Given the varied nature of existing development in terms of design and building line it is considered that the proposed development would not appear unduly incongruous within the rural street scene and would not materially harm the character/appearance of the rural locality.

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

Amenity

The design of the dwelling remains the same as previously. The revised garage includes roof lights on the southern elevation. However, they are approximately 12 metres from the neighbouring front garden to the south (Arabia). It is considered that amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overbearing effect, blockage of light, noise and disturbance, etc.

Concerns have been raised over the garage being used as a separate residence. There is no evidence that this would be so. Nevertheless, a condition could be imposed as a safeguard.

The proposal satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in terms of amenity.

Highway Safety

The proposal remains fundamentally the same in terms of vehicular access, parking arrangements, etc. A condition was previously imposed stipulating that before the access is brought into use, the existing frontage hedge shall be lowered to and thereafter maintained at a height not exceeding 0.6 metres above the edge of the adjacent carriageway. There is no material change of circumstance to justify an alternative decision to that previously on highway safety grounds, subject to re-imposition of the condition.

Other Material Considerations

Flood Risk - The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. They 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 Zone 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 (SFRA), 2017 as a basis to apply the sequential test.

The SFRA indicates that the site is located within an area identified as no hazard. The proposal therefore passes the sequential test.

Drainage - The arrangements remain unaltered. Foul water would be disposed of via a package treatment plant and surface water via soakaways.

Planning Balance

The site is inside Shepeau Stow Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019 and the proposal constitutes frontage infill. No objections are therefore raised in principle since the proposal would add to housing supply within the district.

It is considered that the revised proposal would not materially harm the character or appearance of

the rural locality or amenity of neighbouring residents in terms of overlooking, lack of privacy, overbearing effect, blockage of light, noise and disturbance, etc. The concerns raised are material considerations but are not sufficient in this case to indicate against the proposal and outweigh the benefits of the scheme.

Conclusion

The planning balance lies 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.

Recommendation

That the application be approved under delegated powers, subject to conditions.