DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H23-0470-19**	**Applicant:**	**Miss K Bonner**
Proposal:	Proposed 4 bed dwelling and car port		
Location:	Land At Side Of Ferndale Dowsdale Bank Shepeau Stow		
Terminal Date:	3rd August 2019		

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

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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

RESIDENTS	5	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a 4 bed chalet type dwelling and detached car port within the front garden area. The proposal includes a first floor sun deck at the rear accessed off bedroom 4. The property would be constructed in facing bricks with a Marley slate roof.

Foul water would be disposed of to a package treatment plant and surface water to a soakaway(s).

Site Description

The site (some 0.085ha) is located within an existing frontage and is currently 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/Constaints

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.

Representations

Whaplode Parish Council - Support. Balcony will overlook properties on either side so this needs consideration.

LCC Highways/SUDs - No objections subject to notes.

South Holland Internal Drainage Board - No drainage strategy has been provided for the site. Proposal should be supported by a ground investigation to determine the infiltration potential.

Public - Resident objections (summarised):
Contrary to planning policy and advice with the National Planning Policy Framework - the latter states that inappropriate development of residential gardens should be resisted where it causes harm to the local area; Object to rear first floor balcony/sun deck which will be used as an outdoor living space; Overlooking/lack of privacy; Out of character/not in keeping with existing bungalows; Incongruous; Overbearing visual impact; Noise/disturbance; Site is on a bend with poor visibility and no footway for parents and children going to local school; Road used by heavy vehicles; Inadequate parking/turning; No mains drains and SUDs system may be unsuitable; Why is a balcony required? Others have been refused nearby: Should consider raised decking the same as the neighbours.

Information from Applicant's Agent (summarised):
It is important to the client that she has the small area to the first floor bedroom as an outlook over the landscape. The sun deck will be there for the occasional enjoyment of the views and not as a viewing platform to look at others.

Material Considerations

The main issues in this case are:
- Principle/sustainability;
- Character/appearance;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk and drainage.

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.

Planning permission is sought for a 4 bed chalet type dwelling and detached car port within the front garden area. The proposal includes a sun deck at the rear with brick side walls. It is considered that the proposed dwelling and detached garage would not appear unduly incongruous within the rural street scene and would not materially harm the character/appearance of the rural locality taking into consideration the nature of existing development nearby.

Amenity

The proposed dwelling is positioned centrally within the plot and is located to the north east of "Arabia". It would not have an overbearing effect upon occupiers of neighbouring dwellings or significantly block light.

In terms of privacy, side boundaries would be de-lineated by 1.8m fencing. Windows at the front of the property would overlook open fields directly opposite. Roof lights at the rear serve a bedroom and landing. In terms of the latter, any overlooking would be oblique and synonymous to a normal frontage situation. No first floor windows are proposed on the side elevations.

The proposal includes a sun deck at the rear accessed off bedroom 4. Following concerns raised by neighbours it has been re-positioned and 1.8 metre high side brick walls have been included. As a result, only the rear area of neighbouring gardens would be overlooked at an oblique angle. The walls would also help alleviate any noise generated by persons using the sun deck.

In conclusion, therefore, it is considered that the scheme is such that the 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, subject to a mitigating condition relating to the sun deck.

Highway Safety

A new vehicular access is proposed which would be on a bend. Concerns have been raised on highway safety grounds. However, the County Highways Authority has been consulted and raises no objections to a single property on highway safety grounds.

Other Material Considerations

Flood Risk - The site is located within Flood Zone 1 of the Environment Agency's Flood Maps and

within an area of no hazard within the South East Lincolnshire Strategic Flood Risk Assessment (SFRA), 2017. The proposal therefore passes the sequential test. Under such circumstances, a finished floor level of 300mm is recommended.

Drainage - Foul water would be disposed of via a package treatment plant and surface water via soakaways. This matter can be addressed by means of a condition(s).

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

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 proposal would not materially harm the character/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, subject to a mitigating condition relating to the sun deck. Nor would it interfere with residents' human rights to such an extent as to override other planning matters in favour of the proposal.

LCC Highways has not objected to the proposal on highway safety grounds and the proposal satisfies the sequential test in terms of flood risk.

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