

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H23-0828-20 **Applicant:** Mr & Mrs R Balding

Proposal: Erection of detached bungalow - approved under H23-1012-19.
Modification of Condition 2 to allow amendments to previously approved plans.

Location: Land Off Green Bank Whaplode Drove Spalding

Terminal Date: 23rd November 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Paragraph 109 of Section 9. Promoting sustainable transport
Paragraph 127 of Section 12. Achieving well-designed places

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
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Under Section 73 of the Town and Country Planning Act 1990, this is a planning application that seeks permission for modification of Condition 2 of H23-1012-19 for amendments to previously approved plans. Full planning permission was granted for erection of one detached bungalow at land off Green Bank, Whaplode Drove.

The proposed amendments are as follows:

- Increase of the bungalow width in 59 centimetres
- Increase of the bungalow depths: 5 metres on the side gable element (northern elevation) and 3.92 metres on the longest side wall (southern elevation).
- Increase of the apex height in 150mm.
- Removal of one bedroom up to a total of 3 bedrooms.
- Reduction of the separation distance in the region of 50 centimetres with the northern boundary.
- Reduction of the separation distance in the region of 20 centimetres with the southern boundary
- One additional car parking space on the driveway.
- Replacement of material schedule

Site Description

The proposed site fronts onto Green Bank to the west. The site is a smallholding of an approximately 2.69 hectare agricultural field which is under applicant's ownership and currently leased to a farmer. The remainder of the arable land would extend to the north-east, east and south-east from the proposed site.

The site would constitute an enlargement of a short frontage development comprising detached bungalows within fairly spacious plots. Fairview is the adjacent property to the north. The land immediately to the south would remain vacant forming a gap with Emsted further down the road. The boundary treatment of both adjacent properties to the site obscures views from the ground level onto the site.

History

H23-1012-19 - Erection of one detached bungalow - Approved

Consultation Responses

Members of the public

Two residents has objected the proposals in the following terms:

- The reposition of the bungalow and additional window on the northern side elevation will create a detrimental impact upon the residents at the adjoining property Fairview.
- Concerns about the impact on vehicular traffic and exacerbation of low highway safety at the crossroads nearby.

Whaplode Parish Council

Supports this application.

Planning Considerations

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 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; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Policy 2 of South East Lincolnshire Local Plan (SELLP), 2019 states that development will be permitted when consideration are met in relation to size, scale, layout, density and impact on the

amenity. In this regard, Policy 3 goes on to establish 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 proposed material increases will be marginal or fairly marginal insofar as they would substantially alter the impacts of the development on the grounds of scale, height and footprint.

The most significant modification occurs with regard to the material schedule. Further details have been provided with this application.

Cladding is no longer proposed. Yellow facing brickwork will be replaced for brownish brickwork. Grey slate plain tiles will be replaced for brownish clay pantiles. Grey aluminium will be no longer used for the fenestration and cream UPVC will be the material for the openings. Black rainwater goods will replace grey pipes and gutters. The resulting appearance of the dwelling will be still sympathetic with the neighbouring building and overall the rural character of the wider location.

Further details have been provided on external materials of construction of buildings and hard surfaced areas with this application. It is therefore considered that the agent on behalf of the applicant has complied with Condition 3 of H23-1012-19.

In summary, the proposals are capable of delivering good design standards and the quality and relationship with the character of the area will remain acceptable.

Residential amenity

In response to the first issue raised by the resident objections, the footprint of the bungalow half a metre closer to the northern boundary will not create any overbearing impact upon the residents of Fairview.

The topography of both plots is roughly similar. The ground levels of the land are slightly lower to the carriageway. There is nearly 2 metre high well-maintained conifer hedge adjoining the northern boundary of the application site. This hedge appropriately obscures both plots but it is solely in the control of the occupiers of Fairview.

The additional window will be approximately raised 1.73 metre above the ground levels to the centre of the opening. It relates to a bathroom. Having regard to the heights and existing boundary treatment as described above, no overlooking will occur. Furthermore, the window is not relating to any habitable space so there will not be regular views from such fenestration onto Fairview.

In summary, the development proposal comply with residential amenity which is one of the key principles of design and development management as set out in Policies 2 and 3 of SELLP (2019).

Highway safety and car parking provision

The proposals will entail the removal of one bedroom to provide a total of 3 bedrooms within the dwelling. One additional car parking space has been provided up to 3 spaces in total. Given the number of bedrooms, the car parking provision accords with Appendix 6 of SELLP, 2019 concerning minimum parking standards upon class use.

Paragraph 109 of NPPF, 2019 sets out that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

Turning into the second issue of the objections, only one additional parking space has been proposed with the amendments. Such additional number of motor vehicle will not have any cumulative impact upon the highway safety on the Green Bank and adjacent roads.

For these reasons, it is concluded that the development proposals provide sufficient car parking provision in view of the scale and use of the building and highway safety is ensured.

Conclusion

Taking into considerations above, the proposed amendments to the approved residential scheme accord with Policies 2 and 3 of SELLP, 2019 and Paragraphs 109 and 127 of NPPF, 20109.

Therefore, Condition 2 of extant permission H23-1012-19 can be modified as proposed under Section 73 of the Town and Country Planning Act 1990.

It is accordingly recommended to approve this application via delegated powers.

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.