

Development Management Delegated Decision Report

B/20/0208



SUMMARY OF APPLICATION				
Application Reference	B/20/0208			
Application Type	Full Planning Permission			
Proposal	Erection of one detached dwelling (re-submission of B/20/0076)			
Location	Land adj to The Rookery, Rookery Road, Bicker, Boston, PE20 3DB			
Applicant	L Rudkin			
Agent	G R Merchant Ltd			
Received Date:	19-Jun-2020	Consultation Expiry Date:	22-Jul-2020	
Valid Date:	30-Jun-2020	Statutory Expiry Date:	25-Aug-2020	
Date of Site Visit:	---	Extension of Time Date:	5/10/20	
Objections received?	No			
5 day notification record:				
	Councillors notified	Date	Response received – date	Ok to continue
Recommendation	Refuse			
Report by:	Richard Byrne			
Date:	30/9/20			

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site relates to the side garden area of the dwelling known as The Rookery. The existing property is detached and within the settlement boundary of Bicker. The application site is flanked by a bungalow (Ashdene) to the west and a two storey property (field View House) to the east. To the rear of the Georgian style house is a large agricultural type building and a brick built double garage. To the south is open land currently in arable use.

The agricultural buildings and associated garages to the rear (north) have been allocated for housing in the SELLP under the ref: Bic017, and outline planning permission has also been granted on part of this land to the north for up to 9 dwellings.

DETAILS OF PROPOSAL:

Planning permission is sought for the erection of one dwelling within the garden space of the Rookery.



The proposed dwelling providing accommodation in a one and half storey shell measures 6.4 metres in width (not including the porch) by 9.4 metres in length. An entrance porch is located on the south side of the proposed dwelling with a roof shape comprising a Dutch hipped design.

The property is brought in line with the front of the Rookery and is delineated with a new curtilage by a 1.8 metre high close boarded fence. Forward of the property is the parking and turning area which is enclosed by a hedge and 1 metre high close boarded fence. A private garden is to the rear.

The proposed dwelling's walls are constructed with a farmhouse antique blend brick and the roof covered with grey slate.

The application has been duly considered against the following plans, documents and supporting information:

- Drawing Number: 2629-20-02C – Location and Site Plan;
- Drawing Number: 3629-20-05 Daylight Plan
- Design, Access and Planning Statement;
- Air Quality Assessment.

RELEVANT HISTORY:

The history includes applications surrounding the application site.

B/20/0076 – Erection of a dwelling – refused on 29/05/2020

B/18/0096 – Resubmission of B/17/0307 for outline permission with all matters reserved (layout, scale, appearance, landscaping and access) for the erection of 9 no. dwellings – Approved – Approved 22/8/2018

B/03/0740 – Construction of bungalow and garage – Approved on 4/2/2004

B/03/0733 – Construction of house and garage – Approved 19/2/2004

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

The following policies contained within the South East Lincolnshire Local Plan (2011-2036) (i.e. SELLP) are relevant to this application:

- Policy 1 – Spatial Strategy
- Policy 2 – Development Management
- Policy 3 – Design of New Development
- Policy 4 – Approach to Flood Risk
- Policy 10 - Meeting Assessed Housing Requirements
- Policy 11: Distribution of New Housing
- Policy 17: Providing a Mix of Housing
- Policy 28: The Natural Environment
- Policy 29 – The Historic Environment
- Policy 31 – Climate Change and Renewable and Low Carbon Energy
- Policy 36 – Vehicle and Cycle Parking

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

At the heart of the National Planning Policy Framework (2019) is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving Well-Designed Places
- Section 16 – Conserving and Enhancing the Historic Environment

National Planning Practice Guidance (PPG)

CONSULTATION RESPONSES:

Parish Council – Objection - ‘parish council still feel this is an overdevelopment of the site’

County Highways and SuDS – No objection but recommend informatives be attached to any forthcoming approval

Black Sluice IDB – No objections but requests any permission is conditioned to ensure the feasibility of soakaways is established and that ground levels are not raised without appropriate mitigation

Consultant Architect (Conservation) - Raises concern on the grounds that the proposal will affect the setting and character of a non-designated heritage asset by eroding the space around The Rookery, which currently helps maintain the character and predominance of the historic plot. Notes that the impact is reduced from that which would have arisen from the scheme refused under B/20/0076, but still considers that the design, layout and positioning of the proposal have little regard for the parent building and that there would be an adverse impact on the setting and character of the heritage asset.

THIRD PARTY REPRESENTATIONS RECEIVED:

None received.

EVALUATION:

The main planning considerations are:

- Principle of development;
- Impact on the character and appearance of the area and heritage matters;
- Access and parking issues;
- Flood risk and drainage; and,
- Impact on neighbour’s amenity.

Principle of development

Policy 1 of the SELLP, which identifies Bicker as a ‘Minor service settlement’, would generally support the development of the site for housing as it is located within the settlement boundary of Bicker and would help support its role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Developments will normally be limited to committed sites and infill.

The site would be considered infill development within the settlement boundary, and make a small contribution to housing needs within the Borough, and thus would meet the aims of Policy 1 of the SELLP and the aims of encouraging housing growth within the NPPF.

It is therefore considered that, subject to all other matters being acceptable, the principle of residential development on this site is sound.

Impact on the character and appearance of the area and heritage asset

The application site forms part of the garden area to the dwelling known as The Rookery. Although this building is not listed or set within a Conservation Area it is considered an important building that is considered a non-designated asset in the context of the surrounding development and the settlement itself.

The consultant architect (conservation) comments on The Rookery as follows:

“...The property in question is immediately adjacent to a non-designated heritage asset, The Rookery, as such any proposals need to preserve or enhance the setting of these assets. The Rookery appears to be late 18th century property that benefits from a sense of space around it. Whilst this original plot layout has clearly been eroded with incremental developments to each side, the predominance of The Rookery is maintained by the space to either side...”

As the conservation consultant notes, the setting of The Rookery has been to some degree compromised over the years with nearby development. However it still retains an attractive and relatively spacious front garden which serves to highlight the dwelling in the street scene, preserves the value of its setting and ensures that it continues to make a strong and positive contribution to the street scene and to the character of the locality.

The proposal seeks to place a detached two storey dwelling in part of the curtilage of The Rookery. Currently part of the front/side ornamental garden, the proposal would be located between The Rookery and the bungalow immediately to the west. The submission is a modification to the scheme refused under B/20/0076 in that the dwelling is now positioned gable-end to the highway. The dwelling itself is slightly smaller than that which was refused with a half-hipped roof.

Commenting on the revised scheme the consultant architect states:

“...The previous proposal impacted negatively on the setting on the principal building by reducing the space around it. Turning the building around, when compared to the previous proposals, would assist in reducing the impact, however as the property is on the same build-line, with an active elevation to the highway, I still feel the erosion of space will have an adverse impact on the setting of the historic building. The design, layout and positioning also seems to have very little regard for the impact on the historic building.

In summary I feel the setting and character of the non-designated heritage asset will be adversely affected by eroding the space around the Rookery, which currently ensures it maintains a character and predominance on its historic plot. This has a negative impact on the non-designated heritage asset...”

These comments constitute expert advice to the Authority and are accepted. The plot is constrained, in terms of its dimensions but also in terms of any flexibility to house a substantial new building without adversely impacting on the existing dwelling. The revised positioning does not substantially reduce the impact on The Rookery, and the design makes no reference to the more delicate character of the heritage asset and the resultant very close spacing of three dwellings (the neighbouring bungalow, the proposal and The Rookery) would be cramped, out of keeping with local character and harmful to the character, setting, historic integrity and independent identity of the parent dwelling.

The Authority worked with the applicant and her agent to explore potential solutions at the level of sketch drawing, but a means was not found to allow the siting of a dwelling which met the challenges of local character, heritage and amenity discussed in this report.

It is therefore concluded that the proposal fails to accord with SELLP Policies 2, 3 and 29 and with the guidance set out in Chapter 16 of the Framework with particular reference to paragraphs 184, 189, 190, 192, and 197.

Access and parking issues

The proposal includes a new access to the west of the existing access that serves the main dwelling house. The submitted plan identifies an area for parking at the front of the site with a turning area. The surface appears to be gravel or similar. The County Highways Authority do not raise any objections to the proposed access and parking area.

Policy 36 (Vehicle and Cycle Parking) of the SELLP and its accompanying Annex 6 (Parking Provision) set out the level of parking provision anticipated for new developments and for new dwellings this level of provision would be 2 parking spaces for a 3-bed dwelling. The level of parking identified is therefore considered acceptable.

It is therefore concluded that the proposed access and level of parking afforded to the proposed dwelling would be acceptable as it accords with Policies 2, 3, 36 and Annex 6 of the SELLP.

Flood risk and drainage

The application site is located within flood zone 1 of the Environment Agency's flood zone maps and therefore the risk of flooding to future occupiers of the dwelling and to those in neighbouring properties is considered minimal. No further concerns are raised as the proposal is considered to accord with Policy 4 of the SELLP and with the intentions of the NPPF.

Neighbour amenity impacts

The proposed dwelling would be sited between the host dwelling (The Rookery) and the neighbouring bungalow to the west (Ashdene).

Ashdene has habitable windows on the eastern elevation facing the application site, and a glazed single storey addition looking onto a patio between the dwelling and the shared boundary. The separation distances are very limited – no more than 3m at the closest points. Whilst the proposed dwelling has no upper floor fenestration facing the bungalow, the massing impact of the proposal would be very substantial resulting in an overbearing impact and it would cause shadowing during certain day parts.

It is therefore considered that the level of amenity for the occupiers of this neighbouring dwelling would be substantially harmed by reason of massing, overshadowing and visual intrusion, leading to a sense of enclosure, especially when the occupiers use their patio area.

In consequence it is considered that the proposal would cause unacceptably harmful impacts on the level of amenity of the occupiers of the neighbouring dwelling (Ashdene), contrary to Policies 2 and 3 of the SELLP and paragraph 127 of the Framework.

CONCLUSION

The application site is located in an area that falls within a defined settlement boundary where the principle of new residential development would normally be supported, subject to all other matters being acceptable.

However, the proposed dwelling would be sited within the side garden area and very close to a non-designated heritage asset that is considered to have significant character and identity. A further dwelling in this location would overdevelop the site, be significantly harmful to the setting, historic integrity and character of the non-designated heritage asset and fail to accord with the distinctive character of the locality.

By reason of its close proximity to the single storey neighbour known as Ashdene, the proposal would cause unacceptable harm to the residential amenity of occupants of that dwelling by reason of massing, overshadowing and visual intrusion.

It is therefore concluded that the proposal fails to accord with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan (2011-2036) and the guidance set out in the National Planning Policy Framework including but not limited to paragraphs 127, 184, 189, 190, 192, and 197.

RECOMMENDATION:

REFUSE

CONDITIONS / REASONS	
Pre-commencement conditions?	
Agreed with applicant/agent - Date:	
1	The proposal would see the erection of a two-storey dwelling within the side garden area of a non-designated heritage asset known as 'The Rookery'. If allowed the proposal would overdevelop the site and further erode the setting of this asset, causing significant harm to the asset's character, appearance and identity as well as to the immediate character of the area. The proposal would therefore fail to preserve and enhance the asset and its setting, and the wider area, and be contrary to Policies 2, 3 and 29 of the South East Lincolnshire Local Plan (2011-2036), and contrary to Section 16 'Conserving and Enhancing the Historic Environment' of the National Planning Policy Framework (2019) with particular reference to paragraphs 184, 189, 190, 192, and 197.
2	The proposed dwelling by reason of massing and close proximity to the neighbouring property, 'Ashdene' would result in a significant overbearing and overshadowing effect which would have a significant detrimental impact on the level of amenity of the occupiers of the adjacent dwelling. The proposal therefore fails to protect neighbour

	amenity and is considered contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036) and contrary to Section 12 'Achieving Well-designed Places' of the National Planning Policy Framework (2019) with particular reference to paragraph 127.
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INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE	
<u>STATEMENT OF PROACTIVE WORKING:</u>	
In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.	