

# Development Management Delegated Decision Report

B/20/0263



## SUMMARY OF APPLICATION

<b>Application Reference</b>	B/20/0263		
<b>Application Type</b>	Full Planning Permission		
<b>Proposal</b>	Proposed two storey dwelling		
<b>Location</b>	Treetops Lodge, White House Lane, Fishtoft, Boston, PE21 0BE		
<b>Applicant</b>	Mr & Mrs Adams		
<b>Agent</b>	Mrs Jenny McIntee, JMAD Architecture		
<b>Received Date:</b>	21-Jul-2020	<b>Consultation Expiry Date:</b>	
<b>Valid Date:</b>	31-Jul-2020	<b>Statutory Expiry Date:</b>	<b>25-Sep-2020</b>
<b>Date of Site Visit:</b>		<b>Extension of Time Date:</b>	<b>02-Oct-2020</b>
<b>Objections received?</b>	Yes		
<b>5 day notification record:</b>			
<b>Councillors notified</b>	<b>Date</b>	<b>Response received – date</b>	<b>Ok to continue</b>
Cllr. J Skinner	23-Sep-2020	23-Sep-2020	Yes - Delegated
Cllr. P Skinner	23-Sep-2020	No response	Yes - No response
Cllr. J Noble	23-Sep-2020	No response	Yes - No response
<b>Recommendation</b>	Refuse		
<b>Report by:</b>	Richard Byrne		
<b>Date:</b>	30 <sup>th</sup> September 2020		

## OFFICER REPORT

### SITE AND SURROUNDINGS:

The site is located on the eastern side of White House Lane in a predominantly residential area. The application site comprises the garden and driveway serving Treetops Lodge.

The garden is screened to the northeast and west by established hedges with Treetops Lodge situated to the south.

Beech House and Maple Lodge which are care homes are situated to the north of the application site.

### DETAILS OF PROPOSAL:

This application is a resubmission of B/19/0233/FULL which is for the erection of a detached dwelling.

The proposed dwelling measures 6.31 metres in width by 9.48 metres in depth. The dwelling would have an eaves height of 5.42 metres and a ridge height of 8.25 metres above the



existing ground level. The proposed dwelling would provide accommodation on the ground and first floor. Windows are principally front and rear facing with side windows on the north elevation serving a ground floor WC and south serving a dining room.

The dwelling is constructed with a pitched roof, facing brick and tiled roof. To the front, side and rear of the property is an enclosed garden.

The access to the application site is shared with the adjacent property, Treetops Lodge. The proposed development would provide two parking spaces which is adjacent to the side of the property and to the front the creation of a turning area shared with the adjacent property. The parking for Treetops Lodge would be positioned to the front of the property and to the side, adjacent to the parking bay for the proposed dwelling.

The existing front hedgerow would be removed and replaced with grass or low level planting with a 0.9 metre high close boarded timber fence set behind.

The application has been duly considered against the following amended plans and specifications:

- Drawing Number: 101 Rev A – Location Plan;
- Drawing Number: 102 Rev B – Site Plan;
- Drawing Number: 103 Rev B – Proposed Floor Plans & Section; and,
- Drawing Number: 104 Rev B – Proposed Elevations and street scene.

### **RELEVANT HISTORY:**

B/19/0233/FULL - Proposed two storey dwelling. Refused 16 October 2019 for the following reason:

“...The proposed development, by reason of its design and height in combination with the removal of the boundary hedge and close proximity to the edge of White House Lane would harm the character and visual amenity of the area. The cumulative effect of the confined area for parking with the close proximity of the dwelling would be at odds with the existing pattern of dwellings and would result in closing the sense of openness that currently exists. The removal of the boundary hedge would be to the detriment with the existing street appearance where vegetation forms a highly prominent established feature in the street and when combined with the dwelling’s unsympathetic height would be harmful to visual amenity and the character and appearance of the area. Overall, the proposed development is symptomatic of overdevelopment, resulting in a scheme that would appear cramped and at odds with the prevailing character. As such, the development would be contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036) and Section 12 of the National Planning Policy Framework which seeks to secure a high standard of design that is sympathetic to the character of an area...”

### **RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:**

The application site is within the settlement boundary and is unallocated by the Proposals Map associated with the South East Lincolnshire Local Plan (2011-2036). The following SELLP Policies are considered to be relevant:

- 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 30: Pollution
- 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 4 – Decision Making

Section 5 – Delivering a Sufficient Supply of Homes

Section 8 – Promoting Healthy and Safe Communities

Section 9 - Promoting sustainable transport

Section 11 – Making Effective Use of Land

Section 12 – Achieving Well-designed Places

Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

National Planning Practice Guidance (PPG)

### **CONSULTATION RESPONSES:**

**Fishtoft Parish Council** – received 27<sup>th</sup> August 2020

- The members of Fishtoft Parish Council have seen this application and cannot see any significant changes in the previously refused application B/19/0233.
- The members observations were they feel for safety, if this was to go ahead then the access would need to be widened to have better vision for vehicles using the access due this being on a very busy route, near a dangerous crossroads on a cycle route and school run.
- There would also not be enough shared driveway for the increase of vehicles to the properties.
- It was also noted that there would need to be suitable footings due to the roots from the TPO that was removed due to them undermining the current building.

**Witham Fourth District IDB** – received 10<sup>th</sup> August 2020

- No objection.

**Environment Agency** – received 28<sup>th</sup> August 2020

- In our consultation response of 14 August 2020 we objected to the above application as the proposed finished floor level was not in line with our local standing advice.
- We have now re-examined the details of the submitted flood risk assessment at the request of the applicant's consultant and concluded that the floor level will be adequate in combination with the proposed resistance and resilience measures. We therefore withdraw our objection subject to the imposition of the following planning condition.

**Highway Authority** – received 2<sup>nd</sup> September 2020

- There has been no material change in circumstances from the previous application under B/19/0233, therefore our comments remain the same.
- Therefore, having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

**THIRD PARTY REPRESENTATIONS RECEIVED:**

As a result of the publicity one objection has been received and can be summarised as follows:

- It is still the view that the proposal is overdevelopment of the site, insufficient garage and parking space for existing occupiers of treetops Lodge or future occupiers of the property;
- Increase in accident risk of vehicles egressing site onto White House Lane;
- No outdoor amenity area for future occupiers;
- Draw attention to the felling of a beech tree.

**EVALUATION:**

The key considerations for this application are:

- Principle of development;
- Impact on the character and appearance of the area;
- Effect on amenity;
- Access car parking and highway safety;
- Flood risk.

**Principle of development**

SELLP Policy 1 sets out a hierarchy of settlements and states that development will be permitted within the settlement boundaries of these respective settlements providing the proposed development supports the designated role of the settlement in which it is to be executed.

The site is unallocated and does not constitute previously development land. However, it is in a sustainable location. Thus, the principle of residential development on this site is acceptable and compliant with SELLP Policy 1, subject to consideration of the subsequent matters.

**Impact on the character and appearance of the area**

SELLP 2 states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met. These include size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses as well as the quality of its design and its orientation.

SELLP Policy 3 states that all development proposals will create a sense of place by; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.

Paragraph 127 of the NPPF states that developments should add to the overall quality of the area, not just for the short term but over the lifetime of the development, be visually attractive and sympathetic to local character with a high standard of amenity for existing and future users.

Paragraph 130 of the NPPF advocates that where a development is a poor design that fails to take the opportunities available to improve the character and quality of an area planning permission should be refused.

It is acknowledged the site is located within a residential area characterised by bungalows and two storey buildings. The properties along White House Lane have a degree of separation from the road edge with the intervening space used primarily for front gardens with a high presence of boundary hedges adjacent to the highway.

The properties have a consistent ratio between the height and the distance from the highway edge. Although the adjacent property, Treetops Lodge, is closer to White House Lane it is primarily ground floor accommodation and is enclosed to the front by a high hedgerow.

Given this application is a re-submission it would be reasonable for the previous scheme to be compared with the current proposal and taken into account as a material consideration.

It is noted that the site has been reconfigured following a change in dimension and design of the proposed dwelling. Broadly speaking the parking for the proposed dwelling is now positioned adjacent to the side of the property with more outdoor space to the rear and north side of the dwelling. There is an increased distance between the dwelling and highway edge with the intervening space used more for a garden and partly for vehicle turning.

Taking into account the defined character of White House Lane it is considered the proposal would represent a development that would still harm the character and visual amenity of the area and does not overcome the concerns that lead to the refusal of the previous application.

Firstly, it is acknowledged that the scheme has been altered. However, it is considered the cumulative effect of the confined area to the front and side for parking and the close proximity of the dwelling to the highway edge would still be at odds with the existing pattern of dwellings and would still result in closing the sense of openness that currently exists.

The scheme still proposes to remove the boundary hedge to improve highway visibility. This would still be at odds with the existing street appearance where vegetation forms a highly prominent established feature in the street. The subsequent erection of a low close boarded fence would represent a stark introduction of a solid means of enclosure to the detriment of the visual amenity of the streetscene.

The proposed dwelling would be a simple form and character with the proposed design very much dictated by the raised finished floor level within the property to overcome the flood risk. The property's overall height has been reduced and the roof turned to form the gable facing White House Lane. It is considered the resulting frontage would appear cramped given the

lowered ridge height and raised ground floor windows to coincide with the finished floor level. Taking the proportions of the existing houses along White House Lane into account it is considered the proposed design, given its cramped arrangement, would fail to contribute positively to the appearance of the streetscene. Although measures have been incorporated to lower the overall height and to give visual interest, the proposed dwelling given its close proximity to the road edge, frontage design and subsequent street presence would fail to contribute positively to the appearance of the streetscene.

Turning back to the previous reason for refusal it is acknowledged the current scheme has been altered. Nevertheless, the cumulative effect of the layout and design would still be symptomatic of overdevelopment, resulting in a scheme that would appear cramped and at odds with the prevailing character. As such it is still considered the cumulative effect of the proposed development would detrimentally harm the character and appearance of the area.

Therefore taking all the above into account it is considered the proposal would conflict with SELLP 2 and 3 and paragraphs 127 and 130 of the NPPF.

### **Effect on amenity**

SELLP Policy 2 states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met. These include impact on the amenity of the site itself and neighbouring sites as well as the impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion.

SELLP Policy 3 states that development proposals will demonstrate how residential amenity will be secured.

#### *Effect on 89 White House Lane*

The proposed dwelling is positioned to the west of 89 White House Lane with an intervening 24 metre separation from the front of the neighbouring property.

Taking into account the height of the proposed dwelling it is considered the loss of daylight and sunlight to the front of the neighbouring property would not be significant to recommend refusal of the application. There is a sufficient intervening distance to maintain an acceptable level of privacy for the front facing neighbouring property.

#### *Effect on Beech House*

It is noted the close proximity of the proposed dwelling to the south facing wing of Beech House. However, given the first floor south facing window leads to a landing it is considered the proposed dwelling would not reduce the amenity of occupiers of Beech House. There is an acceptable relationship between the proposed dwelling and rear garden to not result in a significant loss of sunlight and daylight to the outdoor space.

#### *Living conditions for future occupiers of proposed development*

The proposed three bedroom dwelling would have a usable internal floor area and bedroom dimension which is consistent with the Technical housing standards – nationally described space standard. The amenity space is enclosed and whilst modest, would provide adequate

outdoor space and bin/recycling storage areas. Therefore it is considered the proposed dwelling provides a satisfactory standard of accommodation.

### **Access car parking and highway safety**

The site proposes an additional access for the existing property and a widened access for the new property to allow for two car parking spaces.

Despite the objections, it is considered that the proposal would not have any unacceptable impacts upon the public road network or highway safety. In the absence of an objection from the Highway Authority the proposed development provides satisfactory off street parking provision proportionate to the size of the dwelling.

### **Flood Risk**

SELLP Policy 4 states that a proposed development within an area at risk of flooding (Flood Zones 2 and 3) will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding (through passing the sequential test), the proposed works are essential infrastructure, appropriate flood mitigation measures have been put in place. Development within all flood zones (and development over 1 hectare in size in Flood Zone 1) will need to demonstrate that surface water from the development can be managed and will not increase the risk of flooding to third parties.

The site is located on Flood Zone 3 and is at high risk of flooding. A Flood Risk Assessment (reference July 2020 Version 1) was submitted by RM Associates in support of this scheme.

Notwithstanding the FRA's commentary on the Council's housing land supply position the Council can robustly demonstrate that it has a 5 year housing land supply and that for the purposes of decision making the Development Plan is up to date. It is acknowledged that the proposed development would fail the sequential test if applied to the whole district as there are other areas which sequentially could be developed. However, given the application site is in a sustainable location and the principle of residential development is acceptable it is considered the sequential test and exception test has been satisfied in this instance.

The design of the dwelling has taken the Environment Agency's standing advice into account. It is proposed that the finished ground floor for the new dwelling is raised 1.0m above the average ground level (set at 3.65m ODN) with flood resilient construction incorporated to a minimum height of 300mm above the predicted flood levels. In addition, demountable defences to a height of 600mm are recommended to be installed to all ground floor doorways.

The Environment Agency has raised no objection to the approach in flood mitigation and has recommended a condition to secure the implementation of works into the proposed dwelling.

Taking into account the FRA and that the Environment Agency has raised no objection to the scheme it is considered the proposed development would not in principle pose a flood risk.

Therefore it is considered the proposed development satisfies SELLP Policy 4 by demonstrating there are no other sites available at a lower risk of flooding and the mitigation measures to reduce the risk of flooding.

### ***Other Matters***

In respect of the effect on air quality it is noted the application site is in a sustainable location. It is therefore considered, given the scale of the development that the impact on air quality would be low.

The Parish Council and neighbouring property have drawn attention to a tree which has been felled within the site. This is not a material consideration for this application.

### **CONCLUSION:**

Objections have been received relating to the proposed development and these have been carefully considered. Whilst the site falls within an area where the principle of residential development would be acceptable, the proposed dwelling would represent a form of development that would constitute a poor design and cumulatively would adversely harm the character and appearance of the area.

The proposal would therefore be contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036) and Section 12 of the National Planning Policy Framework.

Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal is recommended for refusal.

### **RECOMMENDATION:**

Refuse.

<b>CONDITIONS / REASONS</b>			
Pre-commencement conditions?	N/A	Agreed with applicant/agent - Date:	N/A
1	The proposed development, by reason of its design in combination with the removal of the boundary hedge and close proximity to the edge of White House Lane would harm the character and visual amenity of the area. The cumulative effect of the area for parking with the close proximity of the dwelling would be at odds with the existing pattern of dwellings and would result in closing the sense of openness that currently exists. The removal of the boundary hedge would be to the detriment with the existing street appearance where vegetation forms a highly prominent established feature in the street and replacement with a close boarded fence would be harmful to visual amenity and the character and appearance of the area. Overall, the proposed development is symptomatic of overdevelopment, resulting in a scheme that would appear cramped and at odds with the prevailing character. As such, the development would be contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036) and Section 12 of the National Planning Policy Framework which seeks to secure a high standard of design that is sympathetic to the character of an area.		
	List of Refused plans: - <ul style="list-style-type: none"> <li>• Drawing Number: 101 Rev A – Location Plan;</li> <li>• Drawing Number: 102 Rev B – Site Plan;</li> <li>• Drawing Number: 103 Rev B – Proposed Floor Plans &amp; Section;</li> </ul>		



	<ul style="list-style-type: none"> <li>• Drawing Number: 104 Rev B – Proposed Elevations and street scene;</li> <li>• Flood Risk Assessment – July 2020 Ver 1; and,</li> <li>• Design and Access Statement – Last updated 20 July 2020.</li> </ul>
--	--

<b>INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE</b>	
<u>STATEMENT OF PROACTIVE WORKING:</u>  <p>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.</p>	