



B O S T O N BOROUGH COUNCIL

Municipal Buildings, West Street, Boston, Lincolnshire, PE21 8QR

Town and Country Planning Act 1990

APPLICATION DECISION NOTICE

Application Reference: B/21/0061

Applicant: Mr C Thornhill
1, Hansard Way
Frampton
Boston
PE20 1QN

Agent: G R Merchant Ltd
4, Wrights Mews
12A Park Road
Holbeach
Spalding
PE12 7EE

In pursuance of the powers exercised by it as Planning Authority, Boston Borough Council, having considered your application to carry out the following development:

Single storey detached dwelling at Land adj to 69, Middlegate Road West, Frampton, Boston, PE20 1DA

and in accordance with this notice and the particulars given in the application, do hereby give notice of its decision to **REFUSE Full Planning Permission for the said development for the following reasons:-**

1. By virtue of the size and context of the site and the proposed dwelling's size, position and close relationship with the neighbouring properties, the proposal would lead to a cramped form of development which would be out of keeping when compared against surrounding development and would negatively impact the character of the area. This would result in an incongruous form of development which would negatively impact the streetscene given the building would be sited towards the frontage of the plot where the exposed blank western gable end and extra brickwork below floor level would detract from the streetscene. The proposal, therefore, fails to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036) and Section 12 'Achieving Well-designed Places' of the National Planning Policy Framework (2019).
2. The siting of the dwelling within the plot would not be in keeping with the surrounding built form and would negatively impact the amenity of the occupiers of No 69 and 67 Middlegate Road West through a loss of outlook. The proposed development would also result in overlooking and a loss of privacy for No 67 Middlegate Road West. The proposal, therefore, fails to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036) and Section 12 'Achieving Well-designed Places' of the National Planning Policy Framework (2019).



3. The application site is located within a flood risk area and Policy 4 of the South East Lincolnshire Local Plan and Section 14 of the National Planning Policy Framework requires development in such areas to be accompanied by a Flood Risk Assessment. The Flood Risk Assessment which accompanies this application proposed mitigation measures which would not comply with the Environment Agency's standing advice, as the finished floor level being raised by 0.5m above the existing ground level is not adequate and will not make the development safe from flooding for its lifetime. The finished floor level would need to be raised by 1m above the existing ground level with flood resilient construction to 300mm above predicted flood depth. The proposed development would not be safe and acceptable on flood risk grounds and, therefore, fails to accord with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2011-2036) and Section 14 'Meeting the Challenge of Climate Change, Flooding and Coastal Change' of the National Planning Policy Framework (2019).

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.

Dated: 08-Apr-2021



Mike Gildersleeves
Assistant Director – Planning
Boston Borough Council and East Lindsey District Council

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- **If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice**, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- **If an enforcement notice is served relating to the same or substantially the same land and development as in your application** and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- **If this is a decision to refuse planning permission for a householder application**, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- **If this is a decision to refuse planning permission for a minor commercial application**, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- **If this is a decision to refuse express consent for the display of an advertisement**, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- **If this is a decision to refuse consent for works to a tree protected by a Tree Preservation Order**, if you want to appeal against your local planning authority's decision then you must do so within 28 days of the date of this notice.
- **For all other decisions**, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- **If you intend to submit an appeal** that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)
- **Proposed Demolition** - The provision of Section 80 of the Building Act 1984 require that anyone who intends to demolish a building or structure shall give notice to the Council's Building Control department (01205 314295) beforehand, and work shall not commence until the Local Authority has given Notice under Section 81, or the relevant period of 6 weeks has expired.

THIS IS A LEGAL DOCUMENT – PLEASE RETAIN IN A SAFE PLACE, PREFERABLY WITH YOUR DEEDS