

BOSTON BOROUGH COUNCIL

Planning Committee - 10 December 2019

Reference No: B/19/0307

Expiry Date: 06-Nov-2019

Extension of Time: 16-Dec-2019

Application Type: Outline Planning Permission

Proposal: Outline application for residential development (1 plot) with all matters (Access, Appearance, Landscaping, Layout and Scale) reserved for later approval (amended application form)

Site: Rear of Gunby House, 21 Sibsey Road, Boston, PE21 9QY

Applicant: Mrs D Moore

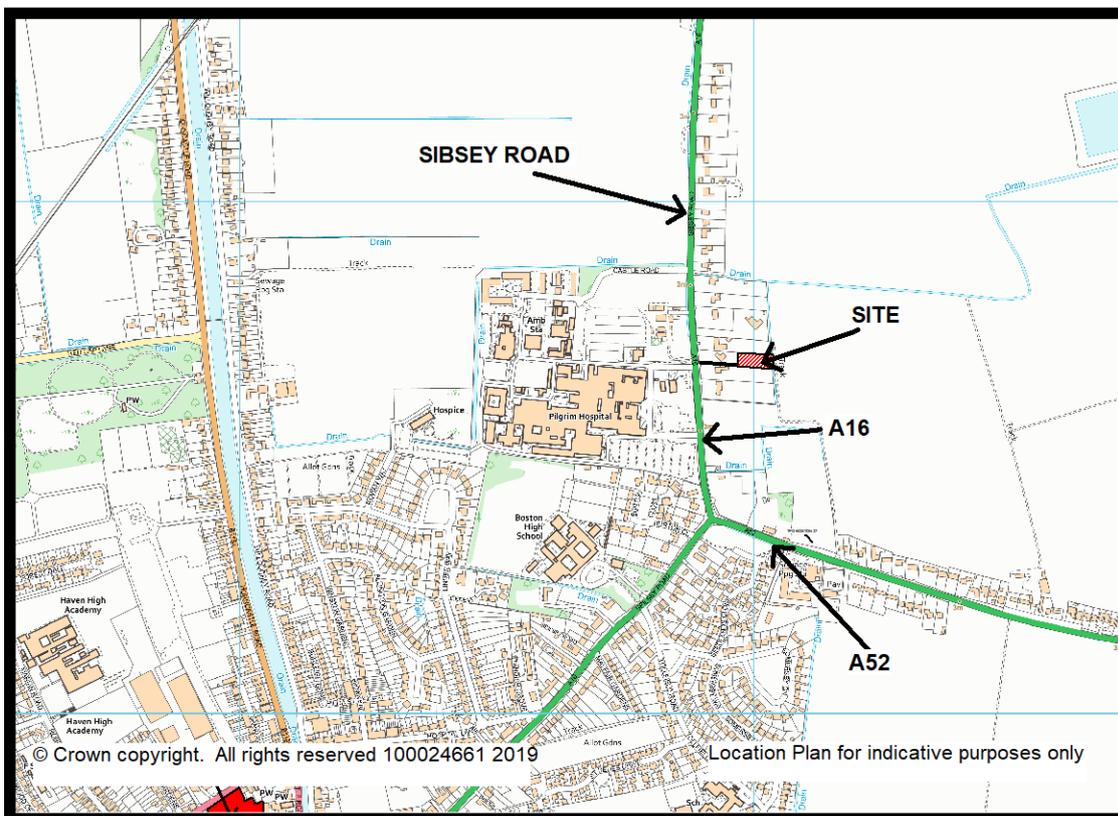
Agent: G R Merchant Ltd

Ward: Fishtoft Parish: Fishtoft Parish Council

Case Officer: Richard Whittaker Third Party Reps: None.

Link to Application : [B/19/0307](#)

Recommendation: Refusal



1.0 Reason for Report

- 1.1 The Applicant is identified on the submitted forms as an Elected Member, and in the opinion of the Monitoring Officer - having reviewed this against the requirements of 2.21(d) of Part 3a (Officer Scheme of Delegation) of the Councils constitution – the application should be determined by the Planning Committee in the interests of transparency.

2.0 The Application Site

- 2.1 The application site is located to the north of Boston, on the eastern side of Sibsey Road. The site hosts an existing two-storey brick built detached dwellinghouse with a slate covered pitched roof. There is a large garden to the rear and vehicular access to the front opening onto Sibsey Road.
- 2.2 The site forms part of an existing pattern of residential properties stretching along the east side of Sibsey Road. The pattern of this is primarily single dwellings within generous plots fronting the road, with the exception of number 25A which is located to the rear of number 25. This was approved under application B09/0503/88. Pilgrim Hospital and agricultural fields are located on the opposite side of Sibsey Road. To the east of site are further agricultural fields.

3.0 The Proposal

- 3.1 The application seeks outline planning permission, with all matters reserved, for one dwelling within the rear garden curtilage of 21 Gunby House.
- 3.2 Indicative plans have been submitted to support the application. These plans illustrate a single storey dwelling featuring a pitched roof with gable ends to the sides and projections to the rear and the western side. There is also an associated triple garage outbuilding which features a pitched roof. The proposed dwelling would be to the rear of Gunby House with the associated garage to be located in the intervening space.
- 3.3 The indicative plans detail a dwelling that features a width of 10.2 metres and depth of 5.8 metres. The rear projection being a length of 3.0 metres and the side projection being 2.2 metres. This dwelling would reach a total height of 6.7 metres and a height to eaves of 3 metres. The total footprint would measure a total of 58.06 square metres.
- 3.4 The associated garage would total a width of 4.8 metres and a depth of 3.2 metres with a total footprint of 15.36 square metres. The garage would reach a total height of 4.9 metres with a height to eaves of 2.6 metres.
- 3.5 The application has been duly considered against the following plans:
- Drawing No. 3443-18.02A - Proposed Indicative Site and Location Plans
 - Drawing No. 3443-18.03A - Bungalow & Detached Double Garage (Indicative)
 - Drawing No. 3443-18.04 - Proposed Triple Garage Floor Plan & Elevations

4.0 Relevant History

- 4.1 No planning history relevant to this application site, however, there is some relevant history from within the locality which is discussed later in this report.

5.0 Relevant Planning Policy and Guidance

5.1 The application is within the settlement boundary of Boston. The following South East Lincolnshire Local Plan (2011-2036) 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 31 – Climate Change
Policy 36 – Parking

5.2 Other material considerations:

National Planning Policy Framework (NPPF) 2019.
National Planning Policy Guidance (online resource)

6.0 Representations

6.1 Since the proposal has been publicised no representations have been received from the public.

7.0 Consultations

7.1 Fishtoft Parish Council – received 24 September 2019

- Members have concerns regarding the proposed new entrance being opposite Pilgrim Hospital exit, loss of so many trees also a concern.

7.2 Witham Fourth Internal Drainage Board – received 19 September 2019

- A Board maintained watercourse exists on the eastern boundary of the site to which BYELAWS and the LAND DRAINAGE ACT applies:
 - No person may erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of the watercourse/edge of the culvert without the prior consent of the Board.
 - Board's consent is required to discharge surface water to a watercourse (open or piped).
 - Board's consent is required to discharge treated water to a watercourse (open or piped).
 - If there is any change to the surface water or treated water disposal arrangements, please contact the Board.

7.3 Highways and LLFA – received 25 September 2019

- I understand that this is an Outline Planning Application for the erection of a single dwelling with all matters (access, appearance, landscaping, layout and scale) reserved for later approval, therefore the details as shown on drawing number: 3443-18-02A dated December 2018, is indicative only.

- In principle, the proposed development would seem acceptable and would not be expected to have a severe residual cumulative impact upon the existing network of upon highway safety.
- Therefore, in order to support application of reserved matters, that application shall show detailed arrangements of the new access with clear visibility splays of 2.0 metres x 65.0 metres in accordance with Manual for Streets for a 40mph carriageway, so that drivers intending entering the highway may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre. The access road (private drive) is to be 3.5 metres wide minimum with sufficient space within the site to allow vehicles to enter and leave in a forward gear, in the interests of highway safety, including a bin storage area close to the existing highway for kerbside collection, as a refuse truck will not enter a private drive.
- Additionally, consideration should be made for suitable parking provision where 3 parking spaces for a dwelling with four or more bedrooms are proposed.
- As this is a Minor Planning Application for a single dwelling, there will not be a requirement for SuDS as a means of surface water disposal, however, we would need to be satisfied that a suitable system can be provided and detailed, to manage the dispersal of surface water to protect the householder, adjoining properties or surrounding land.

8.0 Planning Issues and Discussions

8.1 The key planning issues in the determination of this application are:

- Planning History
- Principle of Development
- Character and Context
- Flood Risk and Drainage
- Access and Highway Safety
- Impact on Residential Amenity
- Effect on trees
- Impact on Air Quality

Planning History

8.2 Whilst there is no planning history relevant to this site there is history of similar applications within the surrounding area. These include:

- Number 25A Sibsey Road, (which is a dwelling located to the rear of number 25) which was approved under application B09/0503/88 (1988).
- Number 17 Sibsey Road, which has twice applied for permission to erect an independent dwelling within its rear garden of its curtilage. Both applications being refused with the decisions dismissed on appeal under APP/Z2505/A/03/1128768 (2003) and SB/BLT/2354T (1996).

8.3 It is considered that the planning history for 25a is afforded minimal weight, but the existence of this dwelling is considered as part of the established character of the area. With regard to the Appeals at no.17, on both occasions the principle of residential development had been found acceptable as the sites has been situated within the settlement boundary. However, the reasoning for the refusals was due to the impact upon character of the area due to the increase in density of housing that would arise from the completion of the works.

Principle of Development

- 8.4 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.
- 8.5 The application site is located within the Boston settlement boundary (sub-regional centre) and will help support Boston's role as a sub-regional centre by making a modest contribution to the supply of housing in the borough. It is considered to be in a relatively sustainable location; relatively close proximity to local services, shops and community facilities. As such, the principle of residential development on this site is acceptable and compliant with SELLP Policy 1, subject to consideration of the subsequent matters.
- 8.6 This is further reinforced by the two appeal decisions at no.17 wherein they recognise the acceptability of residential development in principle.

Character and Context

- 8.7 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. This accords with paragraph 127 of the National Planning Policy Framework, which contains similar provisions.
- 8.8 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.
- 8.9 It is noted the character of the area is defined by a predominantly linear frontage pattern of design running alongside Sibsey Road, the exception being the existence of 25a. Whilst this contradict the predominant pattern, it is nonetheless an existing property which sits comfortably within an appropriately sized plot and it is considered the individual dwelling does not significantly alter the existing character of the area identified above.
- 8.10 Whilst the application is in outline form only, and has all matters reserved for later considerations, the application is accompanied by indicative details which attempt to demonstrate how a dwelling would fit within the site and meet the identified policy requirements. From the indicative plans it can be ascertained that the proposed dwelling would be single storey in nature with a garage outbuilding located between Gunby House and the proposed dwelling. When viewed from Sibsey Road the proposed dwelling would be situated at a distance and location where it would be almost completely obscured, with the proposed garage only slightly visible although this also would be heavily obscured by both existing and proposed tree cover.
- 8.11 Nevertheless a material consideration are the two appeal decisions for similar developments at an adjacent site (appeal reference APP/Z2505/A/03/1128768 from 2003 and SB/BLT/2354T from 1996, both relating to 17 Sibsey Road). Although raising no objection to the principle of residential development it did raise concerns regarding the change the development would have on the pattern of density.

- 8.12 The architectural style of the proposed structures shown indicatively would generally be considered as being consistent with the theme of other properties found locally. Further, it is noted that as a result of the retention of established vegetation and the presence of existing properties, the new dwelling would have only minimal visual presence when viewed from public vantage points outside of the site.
- 8.13 However, Officers have significant concerns that the introduction of a dwelling in the backland position identified would be generally at odds with the existing character of the area which is predominantly derived of frontage plots of a linear fashion. The exception being the property at 25a. Officers do not believe that the presence of this dwelling should provide an over-riding justification for allowing further dwellings in a similar fashion – if this were to occur, the overall cumulative effect would be one which has a significant adverse effect on the overall area.
- 8.13 The impact of a tandem backland form of development such as this would considerably alter the area in terms of character and context. This proposal would reduce the spacious garden of Gunby House – a further theme of properties in the area being generous properties in proportionately sized plots. Thus the general density of development would be increased. The development of this backland site would contradict the linear spatial pattern of development in this area and would further diminish the established character. This would be contrary to the aims set out in SELLP Policy 2 and SELLP Policy 3. Whilst it could be argued that a single dwelling would have little harm, either visually or spatially, the introduction of a dwelling would make further submissions for similar arrangements more difficult to resist. The cumulative effect of which could be the significant erosion of the established spatial pattern. In addition, further effects would be the increase in the density of dwellings which again would be out of keeping with the urban-edge location of the site wherein there is a transition to/from areas with a more rural feel.
- 8.14 It is noted that this view has previously been taken by the Planning Inspectorate in relation to Appeal decisions within the locality – under the previous planning policy context. Whilst these decisions were concluded at two separate points significantly in the past (one in 2003 and the other in 1996), there have been no developments such as the current proposal approved in the area since. It is considered therefore that the findings can still be afforded a considerable level of material weight within the planning decision for this application. In Officers view, these decisions reinforce the view that has been taken in respect of this proposed development.
- 8.15 Overall, it is considered that the introduction of a new dwelling in this location would adversely impact upon the context and character of the area, thus being contrary to policies 2 & 3 of the SELLP and the principles of good design and sustainable development advocated by the NPPF.

Flood Risk and Drainage

- 8.16 SELLP Policy 4 seeks to ensure that new development is not unnecessarily exposed to flood risk, and does not increase flood risk elsewhere. It identifies the process by which planning applications in Flood Zones 2 and 3 will be considered, and sets out particular requirements for certain types of applications.
- 8.17 The application site is in an area identified as being within Environment Agency Flood Zone 3, a 'danger for all/danger for most' flood hazard. As such the application has been accompanied by a site-specific Flood Risk Assessment (author GR Merchant Ltd, referenced November 2019).

- 8.18 Given the outline nature of the application the FRA acknowledges the site is within Flood Zone 3. The FRA proposes that the ground floor living accommodation for the two storey dwellings be set in accordance with the Environment Agency's recommendations i.e. that the ground floor to be raised 0.5 metres above the existing ground level.
- 8.19 The Local Lead Flood Authority have been consulted with regard to the application of SUDS in the development. The LLFA have responded stating that they would need to be satisfied that a suitable system can be provided and detailed, to manage the dispersal of surface water to protect the householder, adjoining properties or surrounding land.
- 8.20 Taking into account the FRA it is considered the proposed development would not in principle pose a flood risk. It is considered expedient to secure the mitigation measures by planning condition to ensure the development remains acceptable.
- 8.21 Witham Fourth Internal Drainage Board have responded to consultation by putting forward informative details regarding the discharge of surface water and the location of development with regard to drains. The agent has responded to this by stating that the 9 metre byelaw will be respected throughout this proposal, surface water will be drained via soakaways and foul water will be disposed of via the public foul sewer. If none of these proposals are feasible then the agent has indicated that the drainage board will be contacted for advice.
- 8.22 These matters could be dealt with at Reserved Matters stage or by conditions.

Access and Highway Safety

- 8.23 This outline application does not include 'access' which is a matter reserved for later approval, however an indicative plan has been submitted highlighting the intention to form a new access on the site. The Highway Authority has reviewed the proposal and advises that a vehicular access be installed with a minimum width of 3.5 metres with clear vision splays of 2.0 metres by 65.0 metres to account for the 40mph speed limit of Sibsey Road. The Highway Authority have also stated that parking provision of 3no spaces would need to be set out for a dwelling of 4 bedrooms or more. The indicative plans feature space for 3no vehicles within the garage. This would indicate the scheme would be able to accommodate the number of parking spaces required under SELLP 36.
- 8.24 Given that there are no objections from the Highway Authority it is considered that there is enough space for the safe manoeuvre of vehicles to be carried out on site if a development such as this would go ahead. These matters could be dealt with at Reserved Matters stage or by conditions.

Impact on Residential Amenity

- 8.25 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.

- 8.26 The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings
- 8.27 Given the application is in outline form seeking the principle of development, a full assessment will be undertaken when the design, height and scale of the dwellings are known i.e. at the reserved matters stage. Nevertheless, it is noted there is a degree of separation that exists between the indicatively shown dwelling and the existing neighbouring properties to demonstrate that the quantum of development can be accommodated on the site.

Effect on trees

- 8.28 Some tree removal is proposed within the indicative plan. An arboricultural method statement and a Tree Protection Plan have both been submitted along with the application to illustrate how development will take place in a manner that would retain the arboricultural character of the area. This would involve protective barriers and ground protection to ensure the preservation of existing trees on the site that would not be removed during the construction process. The trees that would be removed (on the northern and southern boundaries to the rear of the site) would be replaced by new trees that would be located between Gunby House and the proposed garage and to the south of the proposed dwelling. Overall, it is considered that the effect on trees would be minor in nature. These matters could be dealt with at Reserved Matters stage or by conditions.

Impact on air quality

- 8.29 SELLP Policy 30 requires the issue of air quality to be considered as part of any application. In this instance it is considered the proposed development would not have a significant impact on air quality.

9.0 Summary and Conclusion

- 9.1 The site lies within Boston's Settlement Boundary and therefore is acceptable in principle and would make a modest contribution to the supply of future housing needs in the Borough.
- 9.2 The development would result in the introduction of a dwelling located in a backland position and which would be contrary to the established characteristics of the area. This would increase the apparent density of development in this area and would generally result in a development that would be at odds with the established spatial pattern of properties.
- 9.3 Within this area, two similar applications have been refused and upheld at Appeal for similar reasons and whilst these were considered under a different policy context, it is considered that they can still be afforded a significant degree of material weight. These decisions found that development in the manner proposed by the current application would have an unacceptable impact on the area.
- 9.4 Whilst the development would be acceptable in all other respects, it is considered that the scheme would remain contrary to the development plan and that there are no material considerations which would indicate a different view to be taken.

9.5 It is concluded that the proposal would have a harmful impact on the character and appearance of the area and thus 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.

10.0 Recommendation

10.1 It is recommended that outline planning permission is refused for the following reason.

The proposed dwelling, by reason of its position and the characteristics of the site, would result in an unacceptable form of backland development. The tandem arrangement of dwellings (between the host property and the new dwelling) that would result would detract from the established spatial pattern of development. Furthermore, it would increase the apparent density of development at the expense of garden space. The resultant development would therefore be at odds with established character and would further diminish it in an unacceptable way. 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.

Refused Plans

- Drawing No. 3443-18.02A - Proposed Indicative Site and Location Plans
- Drawing No. 3443-18.03A - Bungalow & Detached Double Garage (Indicative)
- Drawing No. 3443-18.04 - Proposed Triple Garage Floor Plan & Elevations

In determining this application the Local Planning 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.