

PJ2	S18/1752	Target Decision Date:19th November 2018
		Committee Date:11th December 2018

Applicant	Mr & Mrs James Taylor 23, Main Road Dyke PE10 0AF
Agent	Mr Tom Reeve Architectural Drawing Services 10 High Street Little Bytham Grantham NG33 4PP
Proposal	Erection of a 4-bedroom dwelling and garage
Location	23 Main Road Dyke PE10 0AF
Application Type	Full Planning Permission
Parish(es)	Bourne Town Council
Reason for Referral to Committee	At the request of Cllr Judy Smith supporting an additional dwelling at this location.
Recommendation	That the application is:- Refused
Report Author	Phil Jordan - Development Management Planner 01476 406080 Ext: 6074 p.jordan@southkesteven.gov.uk
Report Reviewed By	Sylvia Bland - Head of Development Management 01476 406080 Ext: 6388 S.Bland@southkesteven.gov.uk



## **1.0 Description of site**

1.1 The application site is located to rear of 23 Main Road in Dyke. To the north and west of the site is land used as a caravan site which is an extension to the Wishing Well public house. To the east of the site is garden land associated with the neighbouring property. To the south of the site are various outbuildings associated with the host dwelling. The site, whilst overgrown, is garden land associated with the host property and therefore considered to be greenfield in nature.

## **2.0 Description of proposal**

2.1 Planning permission is sought to erect a detached two storey, 4 bedroom dwelling with an associated garage. The highest part of the building would be 8.5m and is proposed to be constructed of red brick with a slate roof. The proposed dwelling would be sited on land to the north of the existing outbuildings and accessed via an existing drive to the east of the host dwelling.

## **3.0 Relevant History**

3.1 No relevant planning history

## **4.0 Policy Considerations**

### **4.1 National Planning Policy Framework (NPPF)**

Section 12 - Achieving well-designed places

### **4.2 South Kesteven District Council Core Strategy**

Policy SP1 - Spatial Strategy

Policy SP2 - Sustainable Communities

Policy EN1 - Protection and Enhancement

## **5.0 Representations Received**

Environmental Protection Services (SKDC) No comments to make.

Parish Council No objections.

LCC Highways & SuDS Support Does not wish to restrict the grant of permission.

## **6.0 Representations as a Result of Publicity**

6.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and one letter of representation have been received. The points raised can be summarised as follows:

1. Overlooking/ loss of privacy
2. Detrimental impact on character of area
3. Unsatisfactory access
4. Impacts during construction
5. Backland development

## 7.0 Evaluation

### 7.1 Principle of development

7.1.1 Core Strategy Policy SP1 sets out a framework guiding the location of new development throughout the district. Core Strategy Policy SP2 defines villages defined as Local Service Centres. With regard to development in the countryside and villages that are not defined as Local Services Centres, Core Strategy Policy SP1 states that:

7.1.2 In all other villages and the countryside development will be restricted. Proposals will only be considered acceptable if they are sites for:

- A. affordable housing (rural exception or allocated sites)
- B. agriculture, forestry or equine development
- C. rural diversification projects
- D. local services and facilities
- E. replacement buildings (on a like for like basis); or
- F. conversions of buildings provided that the existing building(s):

1. contribute to the character and appearance of the local area by virtue of their historic, traditional or vernacular form;
2. are in sound structural condition; and are suitable for conversion without substantial alteration, extension or rebuilding,
3. and that the works to be undertaken do not detract from the character of the building(s) or their setting.

7.1.3 With regard to housing development in the rural areas, Core Strategy Policy H1 states that new housing development should be restricted to affordable local need housing, agricultural / forestry workers accommodation and conversions in accordance with policy SP1 spatial strategy.

7.1.4 The site is located within a village that is not identified as a sustainable location for new residential development unless such development falls within a set of restricted circumstances. The proposal is not considered to fall within any of the circumstances identified within Core Strategy Policies SP1 or H1 under which such development could be considered. Accordingly, the proposal is not considered to be acceptable in principle.

7.1.5 It is noted that the Council is in the process of developing a new Local Plan that would allow infill development in smaller villages such as Dyke. However, limited weight can be given to that plan at present which has yet to go through examination. In any event, the site that is proposed for development would not be considered as 'infill' despite the use of the land to the west and north as a caravan site associated with the neighbouring public house. It is acknowledged that in some circumstances it is a matter of judgement whether a site can be regarded as an infill site. The issue of what constitutes an infill site has been looked at in some detail in a number of appeal decisions involving similar proposals in the district. In all these cases the inspectors have agreed with the Council that the appeal sites were not infill but greenfield sites on the edge of the villages.

7.1.6 The quotes below in the appeal decision notices of all these cases help to clarify what can reasonably be described as infill and support the LPA's view that this application site is not infill.

1. S14/2484 - APP/E2530/W/15/3004689 - *"To infill means to fill in or close gaps."*
2. S12/1986 - APP/E2530/A/13/2195601 - *"The appeal site is some distance from the nearest buildings to the north and south, and has open land to the rear and opposite, meaning that it is not an infill plot. Furthermore, as explained above, it is located outside the main built up part of the village. Whilst it does not contain any features of particular merit, it's largely open nature means that it contributes positively to the rural quality of this part of Swinstead Road and the setting of the village."*

3. S15/007 - APP/E2530/W/15/3028925 - *"Due to the site's location to the rear of a single line of dwellings, the appeal scheme could not reasonably be considered as an infill development"*
4. S13/3487 - APP/E2530/A/14/2218227 - *"The appeal site stands clear of built development and there is no further development beyond it. Development would not therefore be the infilling of a gap in an otherwise built up frontage - the normal definition of infilling."*
5. S14/0062 - APP/E2530/A/14/2218135 - *"The appeal site stands clear of built development and there is no further development beyond it to the north. Even in the context of the appellant's own definition of infilling in the appeal statement the proposal would not constitute the development of a restricted gap in the continuity of existing buildings"*
6. S14/2770 - Ref: APP/E2530/W/15/3131745 - *"Even if the site were in the built up part of the settlement where limited infill development would be accepted under this policy, I would concur with the view of my colleague that the normal definition of infilling would be "the infilling of a gap in an otherwise built up frontage" (APP/E2530/ A/14/2218227). In this instance, while the site is adjacent to housing on one side, the other is open as it would be to the rear. I acknowledge the western side is developed in the form of a car park and the cemetery but neither contain built development and instead contribute to the openness of the surrounding area. The development proposed would not therefore constitute infill development."*

7.1.7 Despite the use of the land to the north and west as a caravan site, the site clearly fits the definition of a greenfield site on the edge of a village (beyond the existing built up area) and not a small infill site which can reasonably be defined as vacant land within a built up area normally between or surrounded by existing built development. Therefore, notwithstanding any potential changes in the Local Plan, the principle of the development would remain unacceptable at this location.

## 7.2 Impact on the character of the area

- 7.2.1 Core Strategy Policy EN1 requires development to be appropriate for its context. Further, para 127 of the NPPF provides that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 7.2.2 Existing residential properties along Main Road follow a linear pattern with domestic gardens to the rear. The back-land nature of the proposal is at odds with this historic form and pattern of development which would erode the "edge of village" character of this part of the village. Although, there are outbuildings to the south of the site, the proposed location of the dwelling is significantly further to the north on land that is currently used a domestic garden.
- 7.2.3 In terms of scale, the proposed dwelling is significantly larger both in terms of footprint and height than the existing dwellings that front Main Road. The proposed dwelling would therefore be prominent in the landscape and dominate any surrounding buildings and the temporary caravans that may occupy the neighbouring land. Further, the design of the dwelling, whilst of traditional materials, includes two large windows to the centre of the front and rear elevations. This would make the appearance of the dwelling uncharacteristic of other properties in the area which typically have more traditional fenestration.
- 7.2.4 Therefore, the proposed dwelling, by virtue of its scale, appearance and siting, would result in harm to the character and historic pattern of development in the area which is contrary to Core Strategy Policy EN1 and the NPPF Section 12.

### 7.3 Impact on the neighbouring properties

- 7.3.1 Para 127 of the NPPF states planning decisions should create places with a high standard of amenity for existing and future users. Concern has been raised that the proposal would result in overlooking and loss of privacy to the neighbouring residential property. Although the proposal would result in some overlooking of the neighbouring garden the separation distance is such that it would be unlikely to lead to any significant adverse impact on the amenities of the occupiers of neighbouring properties.

### 7.4 Highway issues

- 7.4.1 Concern has been raised regarding access to the site. The proposed access serves the existing dwelling and the introduction of a further dwelling would be unlikely to result in any unacceptable highway safety impacts. Although limited information has been submitted in relation to parking and turning it is considered that there is sufficient space within the existing and proposed site to allow for suitable parking and turning areas.

### 7.5 Other matters

- 7.5.1 Noise and disturbance during the construction of the development has been raised as a concern. Although this is not a material planning consideration, any impacts would be over a relatively short period and would be subject to control by other legislation including the Environmental Protection Act.

### 8.0 Crime and Disorder

- 8.1 It is considered that the proposal would not result in any significant crime and disorder implications.

### 9.0 Human Rights Implications

- 9.1 Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

- 9.2 It is considered that no relevant Article of that act will be breached.

### 10.0 Conclusion

- 10.1 The proposed development is located in an unsustainable location and is contrary to the provisions of Core Strategy Policies SP1 and H1. Further, the introduction of a dwelling at this location would result in harm to the character and historic pattern of development in the area which is contrary to Core Strategy Policy EN1 and the NPPF Section 12. For these reasons it is recommended that permission be refused.

## **RECOMMENDATION: that the development is refused for the following reasons**

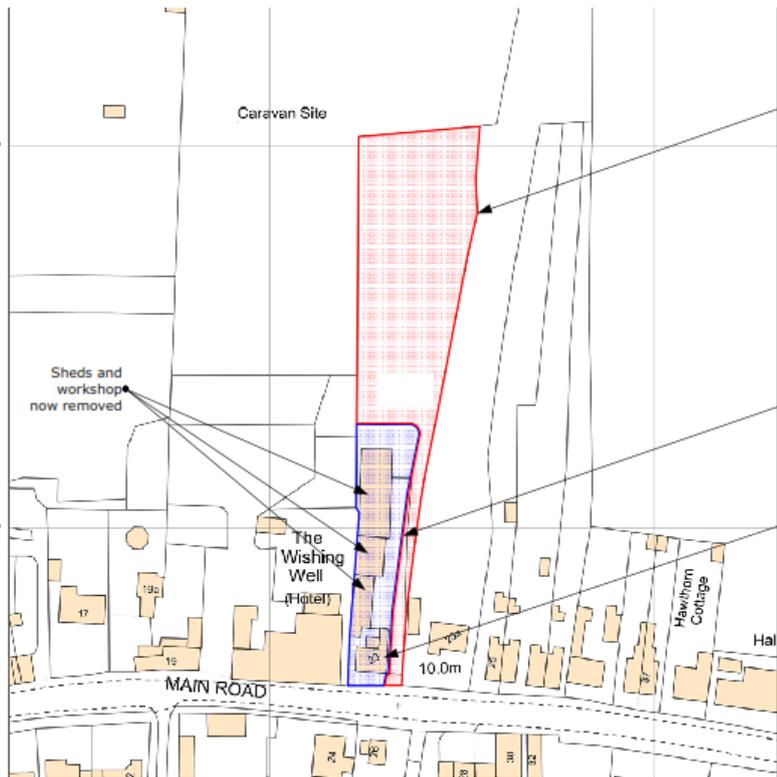
- 1 The application site is greenfield land beyond the established built up area of the village and cannot therefore be reasonably described as an infill site. The proposal does not fall under any of the categories of development described in the Local Plan that would be considered acceptable in such a location. There are no other overriding material considerations relevant to the specific site or the district as a whole which justify development of this greenfield site for housing. It is therefore considered to be an unsustainable site for development which is contrary to Core Strategy Policies SP1 and H1.
- 2 The proposed development would result in an unacceptable introduction of built form to the north of the existing linear pattern of development along Main Road. As such, the proposed dwelling, by virtue of its scale, appearance and siting, would result in harm to the character and historic

pattern of development in the area which is contrary to Core Strategy Policy EN1 and the NPPF Section 12.

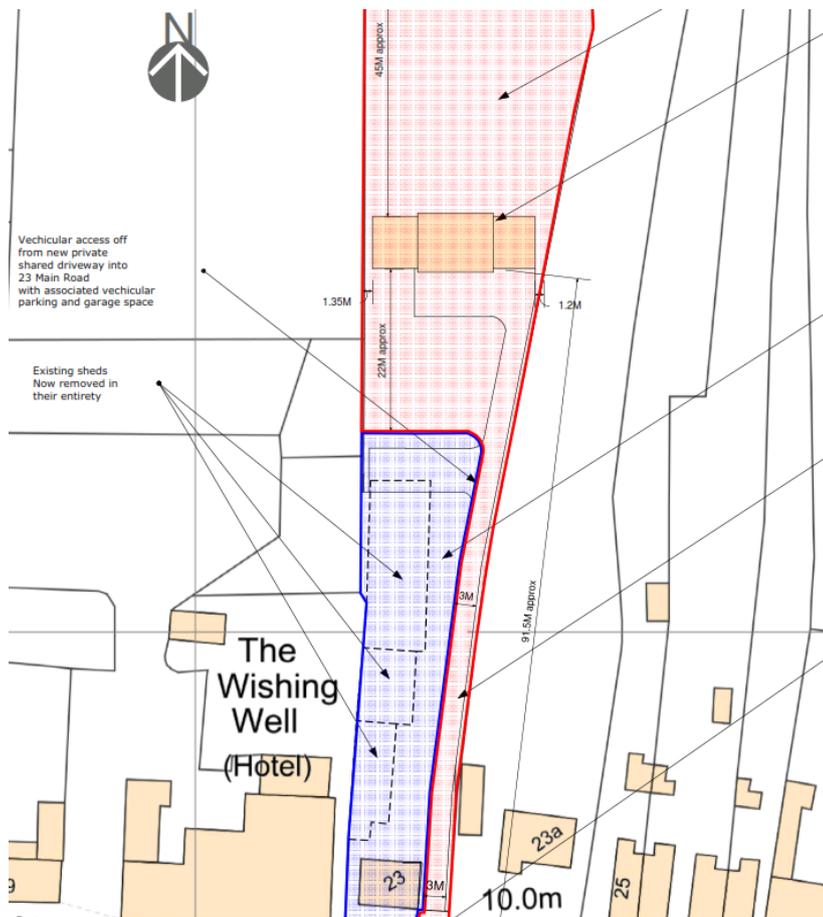
**Note(s) to Applicant:**

- 1 There is a fundamental objection to the proposal and it is considered that this cannot be overcome. Consideration has not been delayed by discussions which cannot resolve the reasons for refusal. The decision therefore accords with paragraphs 38 of the National Planning Policy Framework.

# S18/1752 – Site Location Plan



## Site Location



# Elevation



Proposed South Elevation

Proposed East Elevation



Proposed North Elevation

Proposed South Elevation

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