



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

## Planning Committee

30 March 2023



### S22/2055

Proposal: Erection of two storey detached dwelling with garage  
 Location: Land To The Rear Of 44 Halfleet, Market Deeping, PE6 8DB

Applicant: Mrs Jessica Fraylich  
 Agent: Mr Shayne Andrews  
 Application Type: Full Planning Application

Reason for Referral to Committee: Applicant is a close relative of Cllr Robert Broughton  
 Key Issues: Impact on the character and appearance of the area  
 Impact on neighbours residential amenities

Technical Documents: Design and Access Statement

#### Report Author

Hannah Nouch, Development Management Planner



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**Corporate Priority:**

**Growth**

**Decision type:**

**Regulatory**

**Wards:**

**Market and West Deeping**

**Reviewed by:**

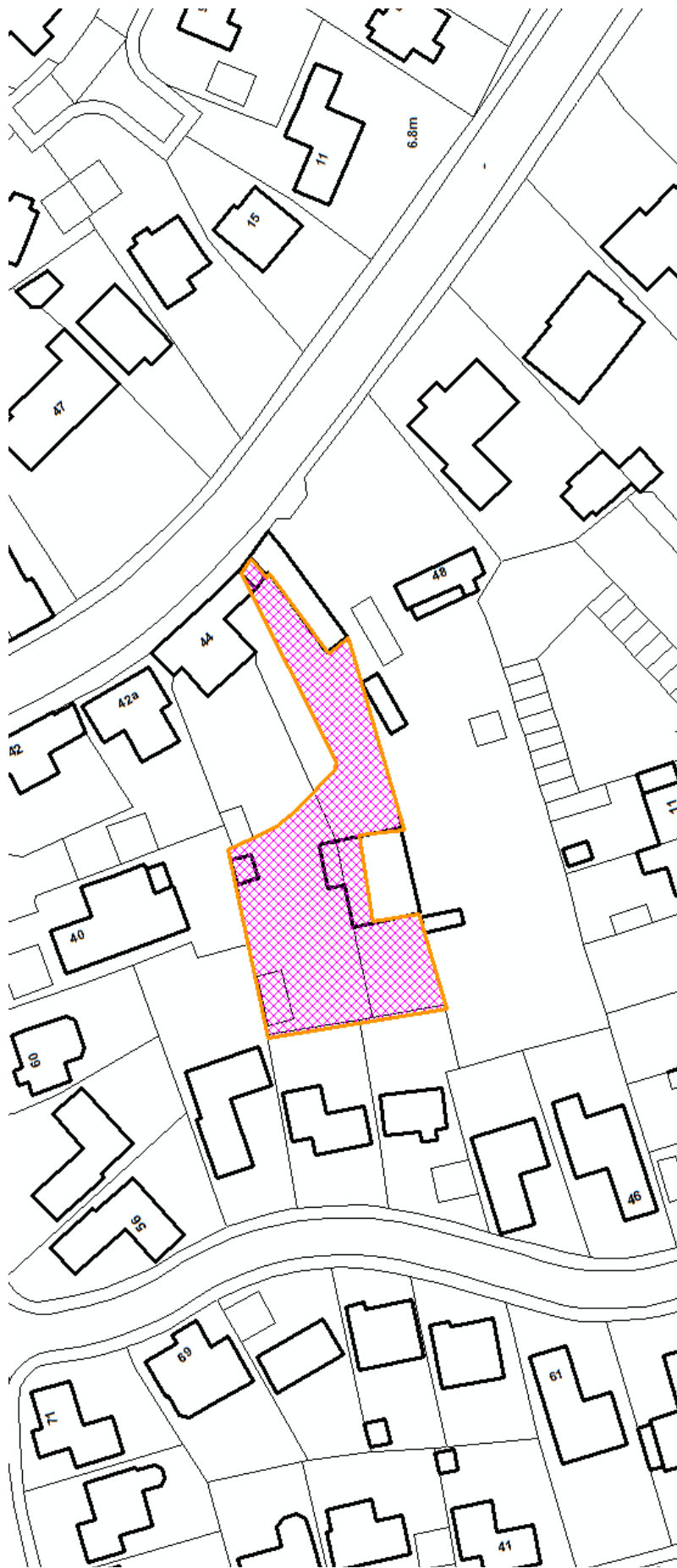
Adam Murray – Principal Development Management  
Planner

20 March 2023

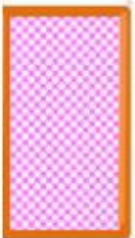
#### Recommendation (s) to the decision maker (s)

To authorise the Assistant Director – Planning to REFUSE planning permission

S22/2055 – Land to the rear of 44 Halfleet, Market Deeping



Key



Application  
Boundary



## **1 Description of Site**

- 1.1 The application is located to the rear of No.44 Halfleet, in the Market Town of Market Deeping. No.44 Halfleet is a two-storey rendered building which fronts onto the street on Halfleet and has an existing vehicle access, which requires vehicles to travel through an archway. This access also serves the section of land to the rear of No.44 which forms the application site.
- 1.2 No.44 Halfleet is currently a mix of residential and Bed and Breakfast use, with a concrete area to the rear and associated garages used in connection as a Builders Yard. There is additionally grassland to the rear which part is included within the B&B section of the plot and additional grassland behind this adjacent the garages. This additional section of grassland hosts a series of outbuildings and trees.
- 1.3 To the rear of the site are detached dwellings on Meadway, to the northern side is a modern detached bungalow and the opposing southern side is an existing garage block associated with No.44 Halfleet and further south is No.48 Halfleet and its associated garden space.

## **2 Description of Proposal**

- 2.1 The proposed development is for the erection of a two-storey detached dwelling on the grassland to the rear of No.44 Halfleet.
- 2.2 The dwelling would have multiple ridge heights and projections, with the highest ridge height reaching approximately 7.88 metres, the secondary ridge reaching approximately 7.16 metres and the eaves height generally being approximately 4.43 metres.
- 2.3 It is proposed the end garage on the existing garage block would be included within the residential curtilage of the application site.

## **3 Relevant History**

- 3.1 S22/1763 – Erection of a two-storey detached dwelling with garage – Withdrawn

## **4 Policy Considerations**

- 4.1 **SKDC Local Plan 2011 – 2036**  
Policy SD1 - The Principles of Sustainable Development in South Kesteven  
Policy SP1 – Spatial Strategy  
Policy SP2 – Settlement Hierarchy  
Policy SP3 – Infill Development  
Policy DE1 - Promoting Good Quality Design  
Policy EN6 - The Historic Environment
- 4.2 **Neighbourhood Plan**  
The Deepings Neighbourhood Development Plan
- 4.3 **National Planning Policy Framework (NPPF)**

Section 5 – Delivering a sufficient supply of homes  
Section 9 – Promoting Sustainable Transport  
Section 12 - Achieving well-designed places  
Section 16 - Conserving and enhancing the historic environment

## **5 Representations Received**

### **5.1 SKDC's Conservation Consultant**

5.1.1 The site is at some distance outside the Conservation Area and there are no Listed buildings in the vicinity which will likely be affected. I can therefore see no objections to the proposal on heritage grounds.

### **5.2 Market Deeping Town Council**

5.2.1 There are concerns about the overall size and height and they consider the development is too big for the area. A two storey property is considered to be unacceptable and will impact on neighbouring properties. They would like reassurance that there will be adequate bin storage facilities.

### **5.3 Welland and Deepings Internal Drainage Board**

5.3.1 No comments to make on the application.

### **5.4 Environmental Protection**

5.4.1 If approved, requests standard conditions relating to contaminated land and construction noise be attached.

### **5.5 The Highways Authority**

5.5.1 The access is of restricted width and runs through no. 44 but it currently serves all site activities; existing dwelling; the B & B use & The Builders Yard. The Builders Yard has ceased trading which will mean a net reduction in vehicles movements. The access is located of a gentle curve in the road, with wide footways & good visibility. There is no scope to improve the access but the reduction in movements means this will be a betterment. It is therefore not possible to raise an objection to the proposals based on traffic impact, in accordance with NPPF.

5.5.2 If approved, requests that a construction management plan and method statement be submitted prior to commencement of works.

## **6 Representations as a result of publicity**

6.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and 5 letters of objection have been received. The points raised can be summarised as follows:

1. Concern over scale and impact this could have over adjacent bungalows
2. Development too large for the plot and would result in overdevelopment
3. Scale is not suitable for back land development
4. Concern over potential use of part of the property for business use
5. Additional vehicle movements impact on highway safety

6. Direct views into No. 54 Meadway
7. Concern over how construction and delivery vehicles would access site.
8. The bungalow which forms No.40 Halfleet will be dominated, have a reduction in light, the rear elevation will face onto the two storey dwelling and the dwelling would have an overbearing impact on both the rear windows and the outdoor amenity space
9. Previous refusal and appeal dismissal reasons of S04/1595/56 for a two storey dwelling at No.42A Halfleet should be applicable here
10. Reduction in light to No.42 Halfleet

6.2 One letter of support has also been received. The points raised can be summarised as follows:

1. Removing conflicting land use and introducing residential use for higher density of housing.
2. Sustainable location, including for transport purposes.

## **7 Evaluation**

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. In this case, the adopted development plan comprises of the following documents:

- South Kesteven Local Plan 2011-2036 (Adopted January 2020)
- The Deepings Neighbourhood Plan 2020 - 2036 (Adopted June 2021)

7.2 The Lincolnshire Minerals and Waste Local Plan forms part of the development plan in relation to minerals planning.

7.3 The policies and provisions set out in the National Planning Policy Framework (updated July 2021) are also a material consideration in the determination of planning applications, alongside the recently adopted Design Guidelines for Rutland and South Kesteven.

7.4 The Planning Inspectorate confirmed that the Council has a 5.2 year housing land supply in October 2022 and therefore full weight can be attributed to the policies in the South Kesteven Local Plan.

### **7.5 Principle of Development**

7.5.1 Policy SD1 (The Principles of Sustainable Development in South Kesteven) sets out the overarching obligation for development proposals to minimise its impact on climate and contribute toward a strong, stable and more diverse economy. The policy requires consideration of a number of matters including the impact of development of climate change, minimising the need to travel, avoiding development of areas of flood risk and development proposals giving rise to pollution, encouraging the use of previously developed or underutilised land, providing a supply of housing to meet the needs of present and future generations, and enhancing the character, natural environment and cultural and historic environment of the District.

- 7.5.2 The South Kesteven Local Plan (SKLP) sets out the principles for the location of development within Policies SP1 and SP2. Policy SP1 (Spatial Strategy) outlines the strategy for the District during the plan period. It identifies that the overall strategy of the Local Plan is to deliver sustainable growth, including new housing and job creation, in order to facilitate growth in the local economy and support local residents.
- 7.5.3 Decisions about the location and scale of new development will be taken on the basis of the settlement hierarchy set out in Policy SP2. Policy SP2 (Settlement Hierarchy), alongside Policy SP1, seeks to focus the majority of new development to Grantham to support and strengthen its role as a Sub-Regional Centre, followed by the three other market towns being Stamford, Bourne and The Deepings, then in the hierarchy comes the larger villages, followed by smaller villages. SP2 states that development in Smaller Villages, development will be supported in accordance with Policy SP3, SP4 and all other relevant policies, where development will not compromise the village's nature and character.
- 7.5.4 The application site in this instance lies within Market Deeping, and as such, comprises a one of the market towns as defined by policy SP2.
- 7.5.5 SP3 (Infill Development) states that in all settlements defined in Policy SP2, infill development, which is in accordance with all other relevant Local Plan policies, will be supported provided that:
- a. it is within a substantially built-up frontage or re-development opportunity (previously development land);
  - b. it is within the main built up part of the settlement;
  - c. it does not cause harm or unacceptable impact upon the occupiers amenity of adjacent properties;
  - d. it does not extend the pattern of development beyond the existing built form; and it is in keeping with the character of the area and is sensitive to the setting of adjacent properties.
- 7.5.6 The proposal would be backland development due to its location to the rear of No.44 Halfleet. However, there is also residential dwellings directly to the rear and side (north) boundaries and the detached garage block and a further dwelling to the south. The site is located within the main built-up part of Market Deeping and would not extend the existing pattern of development beyond the existing built form. Therefore, the site is considered be assessed as an infill site in accordance with criteria a, b and d of SP3. Consideration will be given to whether the proposal meets criteria c and the latter part of d in the sections below.

## 7.6 **Impact on the Character and Appearance of the Area**

- 7.6.1 Policy DE1 (Promoting Good Quality Design) of the adopted Local Plan states (amongst other criteria) that to ensure high quality design is achieved throughout the District, all development proposals will be expected to make a positive contribution to local distinctiveness, vernacular and character of the area. Proposals should reinforce local identity and not have an adverse impact on the streetscene, settlement pattern or the landscape / townscape character of the surrounding area. Proposals should be of an appropriate scale, density, massing, height and material, given the context of the area. Part

12 of the NPPF (Achieving well-designed places) states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

- 7.6.2 Policy EN6 (The Historic Environment) states amongst other criteria that the Council will seek to protect and enhance heritage assets and their settings, in keeping with the policies in the National Planning Policy Framework. Proposals will be expected to take into account the Conservation Area Appraisals, where these have been adopted by the Council.
- 7.6.3 The scale of the proposed dwelling by way of its height would be excessive and uncharacteristic for its context as back land development in this area. It is noted that the proposal would be screened from view to the east by the existing property (No 44 Halfleet). However, when travelling in both directions on Halfleet, the dwelling would be taller than the existing development to either side and would be visible from these angles.
- 7.6.4 It is Officers' assessment that, in relation to the immediately surrounding properties, with the bungalows to the north and south, the proposal would be out of keeping with the character of development with the development in this area, in particular back land development on this section of Halfleet. Supporting information has been provided as justification of two storey dwellings as back land development in Market Deeping and further along Halfleet on the eastern side of the street. In response to this, each application is considered on its own merits, and it is not considered consistent with the western side of the street on Halfleet, for this scale of development when there is already quite high density built form surrounding the application site.
- 7.6.5 SKDC's Conservation Consultant confirmed that the proposal is sufficiently distanced from any Conservation Area or Listed Buildings to result in any impact to heritage assets.
- 7.6.6 By virtue of the scale and nature of the location of the proposed development, it would be out of keeping with the surrounding built form and character and appearance of the streetscene and surrounding context, contrary to Policies SP3 and DE1 of the South Kesteven Local Plan .the Deepings Neighbourhood Plan Policy DNP9 and NPPF Sections 12.

## 7.7 **Impact on Neighbours Residential Amenities**

- 7.7.1 Policy DE1 (Promoting Good Quality Design) of the adopted Local Plan states (amongst other criteria) that all development proposals will be expected to ensure there is no adverse impact on the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light and provide sufficient private amenity space, suitable to the type and amount of development proposed. Paragraph 130 of the NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.7.2 The Rutland and South Kesteven Design Guidelines SPD (Adopted November 2021) identifies that residential amenity is determined by a range of factors such as space, privacy,

outlook, outdoor space and natural light, and identifies as a series of rules/standards that will be utilised to assess the quality of residential amenity provided by development proposals. This includes the following:

- Where practical, windows should not look onto private areas of other homes, including habitable rooms (living rooms, dining rooms, bedrooms), kitchens and patio areas in gardens immediately adjoining the building.
- The '45-degree rule' states that there is normally the potential to achieve adequate levels of daylight and outlook when no part of a building cuts through a line radiating at 4 degrees from the centre of a window that lights a habitable room.
- The '25-degree rule' states that there is normally the potential to achieve adequate levels of daylight and outlook when no facing building breaks a 25-degree angle

7.7.3 It is considered that the proposal by way of its scale would result in an overbearing and dominant impact to No.40 Halfleet. The development would be located directly south of this properties rear elevation and outdoor amenity space. At present No.40 has development to both the eastern and western sides of the proposal, with the only open aspect being to the south. As proposed the proposal would span almost the entire width of this garden at two storey height. It is therefore considered that the rear outdoor amenity space of this property would no longer retain sufficient amenity due to being the overbearing impact of the proposed dwelling. It is considered that if approved, due to the proximity of 2.5 metres from the boundary and 10 metres to the nearest ground floor rear window serving a habitable room, that this window would also be harmed by the proposal.

7.7.4 It is considered that due to the orientation of the proposed dwelling, the separation distances and positioning of both No.54 Meadway and No.42A Halfleet should prevent any unacceptable adverse impact to the occupiers' residential amenities.

7.7.5 It is considered that due to the proximity of the front projecting section of the dwelling in relation to the outdoor amenity areas of No.44 Halfleet, there would be harm resulting to the amenity of the users of this space, which is partially residential, by way of direct overlooking.

7.7.6 Taking into account the nature and scale of the proposal in relation to neighbouring property No.40 Halfleet, it is considered that the proposal would result in an unacceptable adverse impact on the residential amenities of the occupiers of this property by way of overdominance and loss of privacy, contrary to the Deepings Neighbourhood Plan Policy DNP9, NPPF Section 12, and Policy DE1 of the Local Plan.

## 7.8 Highway issues

7.8.1 Paragraph 111 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.8.2 Despite the objections that were received mentioning that they believe the dwelling would result in an increase in vehicular traffic, LCC Highways have confirmed that in fact the ceasing of the adjacent builders yard would result is anticipated to result in a net reduction in vehicle traffic movements. Nevertheless, LCC Highways also confirmed there is considered to be good visibility from this access and due to it already having served multiple



uses successfully, including residential use, they raise no objections to the proposal on highways grounds.

7.8.3 It is also worth noting due to the nature of the existing access within the frontage of No.44 Halfleet, it would not be possible to extend or amend this access.

7.8.4 If the development was to be approved, LCC Highways have requested a construction management plan and method statement. It is considered that if approved, a condition requiring this would also provide adequate response to other issues raised in the objections such as how construction and delivery vehicles would be managed.

7.8.5 The proposal would retain acceptable vehicular access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with the NPPF Section 9.

## 7.9 **Climate Change**

7.9.1 As previously identified, the application site is located within the main built-up part of the settlement of Market Deeping, which is a settlement identified within the Local Plan as being an appropriate location for residential development of the scale proposed. As such, the application would accord with the locational principles of Policy SD1.

7.9.2 Nonetheless, it is acknowledged that the application submission does not specifically provide details about how the proposed dwelling would accord with the policy obligations of Local Plan Policy SB1, which requires developments to minimise carbon emissions and support low carbon travel through the provision of electric vehicle charging points. As such, if approved, a condition would be attached to require the submission of further details of sustainable building measures, in accordance with the requirements of Policy SB1.

## 7.10 **Mineral Safeguarding**

7.10.1 The application site falls within a mineral safeguarding area. As the site forms part of an existing developed site within a predominantly residential street and the proposal is a minor development, pre-extraction of mineral is not considered to be reasonable. Due to the scale and location of the proposed development, it is considered that the proposal would not have an unacceptable adverse impact on mineral resources. As such, the proposal is deemed to comply with Policy M11 of the Lincolnshire Minerals and Waste Local Plan.

## 7.11 **Other Matters**

7.11.1 Concern was raised in representation over potential use of part of the proposed dwelling for business purposes such as a beauty salon in future. We are unable to consider potential future uses under this application and can only consider the proposal as it stands, which is for a dwelling. If the application was approved and in future it was decided to change the dwelling to a beauty salon in whole or in part, then an application would need to be submitted where necessary and any such application would be treated on its own merits. If unauthorised use of the building as a beauty salon took place, this should be reported to the Planning Enforcement Team.

## **8 Crime and Disorder**

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

## **9 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. It is considered that no relevant Article of that act will be breached.

## **10 Conclusion and Planning Balance**

- 10.1 Having considered the harm identified to both the character and appearance of the area and neighbours residential amenities, the provision of a single dwelling would not be sufficient to outweigh this harm. There are no other material considerations to outweigh this harm.
- 10.2 Therefore, the proposal is contrary to policy DNP9 of the Deepings Neighbourhood Plan NPPF Section 12 and Policies SP3 and DE1 of the SKDC Local Plan.
- 10.3 The site is at some distance outside the Conservation Area and there are no Listed buildings in the vicinity which will likely be affected, as such there are no objections to the proposal on heritage grounds.

## **11 Recommendation:**

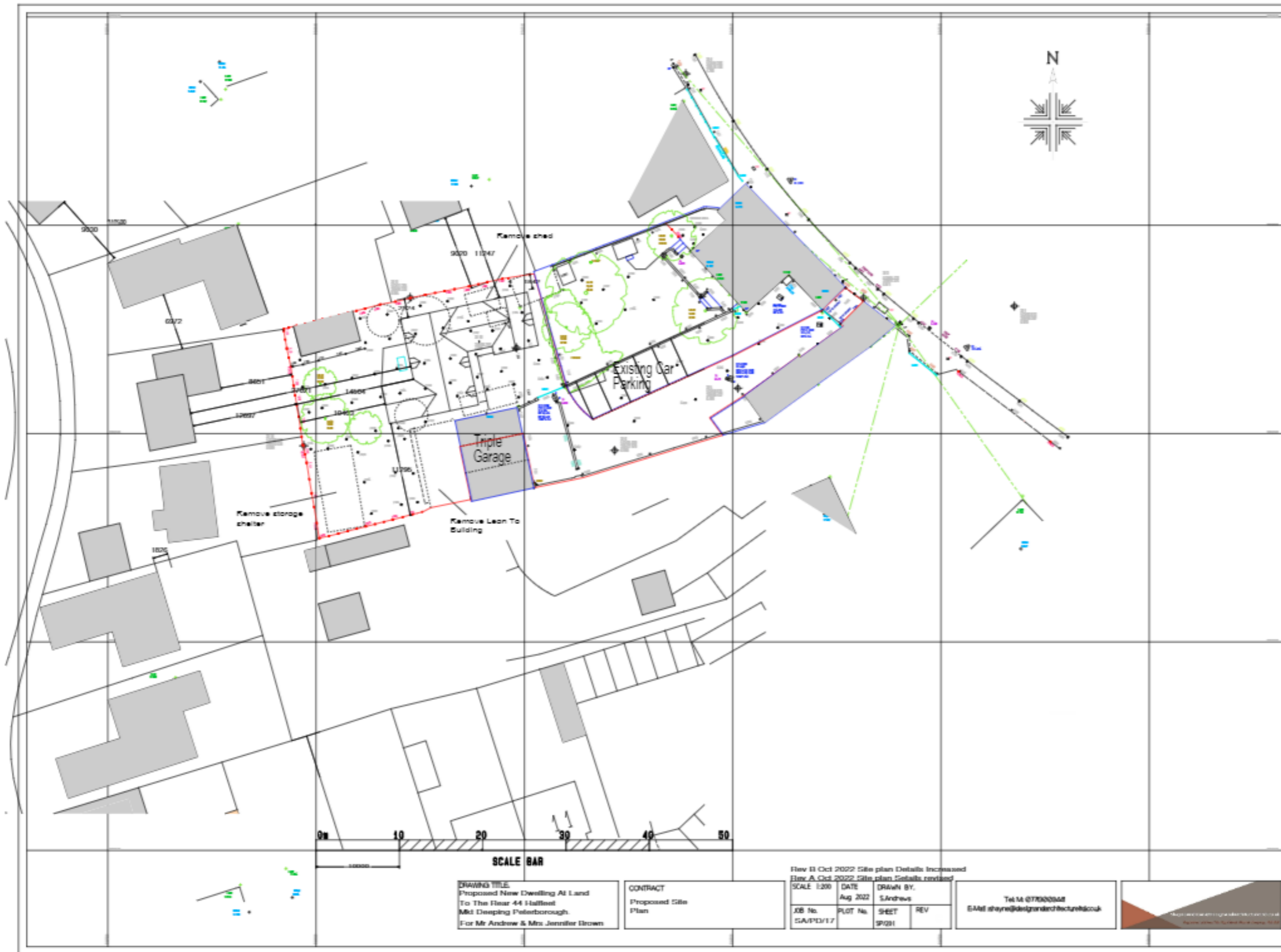
To authorise the Assistant Director – Planning to REFUSE planning permission for the following reason(s):

1. The proposed dwelling, by way of its scale and height, would be out of keeping with the character and appearance of backland development within this section of Halfleet and would result in harm to both the streetscene and surrounding area. Therefore, the proposal is contrary to Policies SP3 and DE1 of the SKDC Local Plan, Policy DNP9 of the Deepings Neighbourhood Plan, and Section 12 of the NPPF
2. The proposed dwelling, by way of its scale, height and location, would result in an unacceptable overbearing and excessively dominant impact to both the rear windows and outdoor private amenity space of No.40 Halfleet. Due to the proximity and windows in the front elevation to No.44 Halfleet, there would be loss of privacy by means of overlooking to the associated outdoor amenity area. Therefore, the proposal is contrary to Policies SP3 and DE1 of the SKDC Local Plan. Policy DNP9 of the Deepings Neighbourhood Plan, Section 12 of the NPPF and the adopted Design Guidelines SPD.

### **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.

**Proposed Site Plan**



**Proposed Elevation Plans**



USE FORMED DIMENSIONS ONLY  
DO NOT SCALE

**DRAWING TITLE**  
Proposed New Dwelling All Land  
To The Rear 44 Hallway  
M&J Deeping Peterborough

**CONTRACT**  
Proposed Front and Side  
Elevations  
Reduced Eaves And Ridge Heights

SCALE 1:100	DATE Aug 2021	DRAWN BY S.Antonia	
JOB No. SA/20/17	PLOT No.	SHEET RW10	REV 2

**TEAM PROJECTS**  
Email: [shay@designarchitectural.co.uk](mailto:shay@designarchitectural.co.uk)

REV B Mar 2022 Ridge Height Altered  
REV A Sept 2022 Elevation added

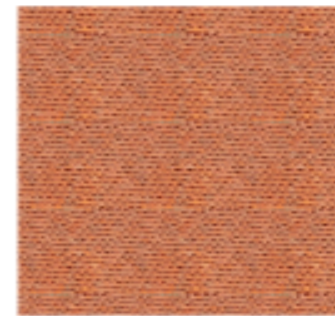




Window Style & Colour + Stone Cill & Head



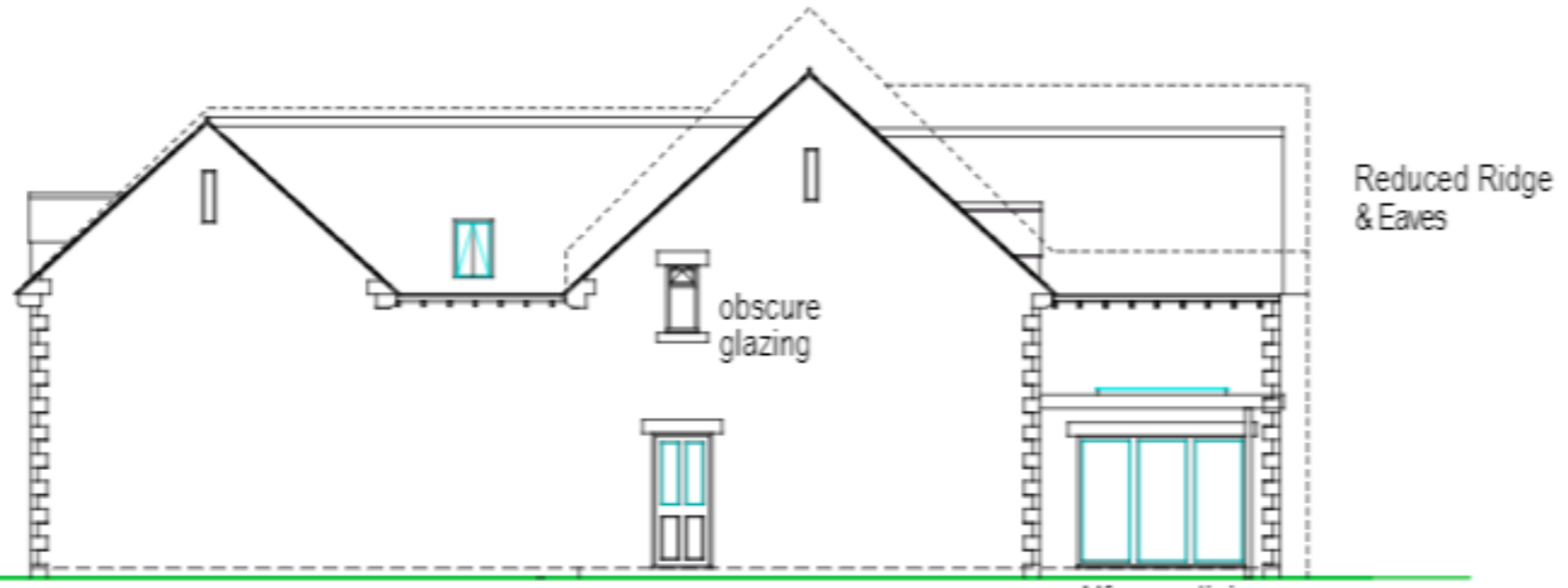
10-2-1 white cement Mortar Mix With Brushed Finish



Reduced Ridge & Eaves

Alfresco dining canopy with sky light

REAR ELEVATION



Reduced Ridge & Eaves

obscure glazing

Alfresco dining canopy with sky light

SIDE ELEVATION

USE DIMENSIONS ONLY  
DO NOT SCALE

**DRAWING TITLE**  
Proposed New Dwelling At Land To The Rear 44 Hillfoot Mid Deeping Peterborough.

**CONTRACT**  
Proposed Side And Rear Elevations Reduced Eaves and Ridge Heights

SCALE 1:100	DATE Aug 2021	DRAWN BY: S.Andrews	
JOB No. GA/PC/17	PLOT No.	SHEET 11/12	REV B

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**Proposed Floor Plans**

