

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H01-0265-23 **Applicant:** Mr F Burford
Proposal: Extension and alterations
Location: 55a Stone Gate Cowbit Spalding
Terminal Date: 15th May 2023

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

01 Spatial Strategy
02 Development Management
03 Design of New Development
04 Approach to Flood Risk
28 The Natural Environment
29 The Historic Environment
36 Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

National Guidance**National Planning Policy Framework 2021**

Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL				

	0	0	0	1
RESIDENTS	2	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is householder application seeking planning permission for single and two storey extensions to the former signal box to create a study/bedroom and an open plan kitchen/living/dining room on the ground floor with 2no bedrooms and a bathroom on the first floor.

The existing building would have a shower room, utility, store and workshop/office on the ground floor with a conservatory/sitting room on the first floor. The glazing on the first floor is proposed to be replaced.

The extension would have a glass link connecting it to the existing building and all other external materials would match the existing building.

Site Description

The application site is located on Stone Gate in Cowbit. It comprises a two storey red brick built building located on a primarily residential street. The site is enclosed by fencing and a hedge. A large storage container is located towards the east of the site.

History

H01-1577-04 - Change of use from signal box to residential dwelling - Approved

H01-1579-06 - Details of Archaeological Report (Condition 4 of H01/1577/04) - Approved

H01-1699-06 - Details of archaeological watching brief, landscaping and boundary treatment (Conditions 2, 4 and 6 of H01/1577/04) - Approved

Consultation Responses

South Holland Internal Drainage Board

No objections subject to the submission of a drainage strategy for the site. If the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and Byelaw 4).

Cowbit Parish Council

Objection as it appears to be a completely new dwelling rather than an extension to the existing building and an over-development of the site. There is currently a shipping container positioned on the site where the parking spaces are proposed therefore if the application is approved it is requested at nothing is sited on this space.

Historic Environment Officer

The Signal Box is considered a non-designated heritage asset and is included in the Lincolnshire Historic Environment Record and was subject to a programme of historic building recording when it was first converted to residential use in 2006 therefore it is recommended that the local planning

authority consult their in-house conservation officer on the design of the proposed extension.

Conservation Officer

No objections as the scheme would bring an otherwise abandoned property back into use and actively conserve and enhance the non-designated asset. The extensions appear visually subservient to the host structure and is of a style that compliments the surrounding rail architecture. The restoration of that host structure is in the interests of its preservation therefore the application can be considered to assist in conserving the historic environment with regards to non-designated heritage assets.

Residents

3no letters of objection have been received siting the following concerns:

- The size of the two storey extension seems disproportionate to the existing building and the plot
- The proposed extension may be turned into a separate dwelling
- There is currently a storage container where the parking spaces are proposed
- Constructions vehicles parked on the street may cause access issues
- Potential flooding of neighbouring properties due to additional hard surfacing
- Overlooking and loss of privacy from the first floor glazed area on the western elevation

Planning Considerations

Principle of development

The site is within the Cowbit settlement boundary and the proposed extensions would be sited within the previously approved residential curtilage for the site therefore the principle of extending the existing dwellinghouse is acceptable.

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise. The key material considerations are addressed below.

Design and layout

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 197 of the NPPF states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. Policy 29 of the SELLP states that development proposals will conserve and enhance the character and appearance of designated and non-designated heritage assets including conservation areas.

Cowbit Parish Council has objected to the proposed scheme on grounds that the development appears as a completely new dwelling rather than an extension to the existing building and an over-development of the site. a number of local residents have also raised concerns with regards to the size of the proposed extension being disproportionate to the existing building and the overdevelopment of the plot. The concerns are noted and discussed below.

The proposed development involves alterations and extensions to the historic signal box of Cowbit railway station, which was built in 1867. The signal box is a well-preserved example of its type and one of only a handful of surviving Victorian buildings of its kind to survive in South Holland and can therefore be considered a non-designated heritage asset in the terminology of the National Planning Policy Framework. It also has group value with the adjacent historic former Cowbit railway station, the former station hotel, goods shed and other assets, that help give this part of the village its sense of place and local distinctiveness. The building presented visibly anxious.

The Signal Box is considered a non-designated heritage asset and is included in the Lincolnshire Historic Environment Record and was subject to a programme of historic building recording when it was first converted to residential use in 2006.

The Council's Conservation Officer has advised that as the site is abandoned and reuse for its intended purpose is extremely unlikely, this proposal represents a viable alternative use that also serves a dual function, to actively conserve and enhance the non-designated asset. The proposed extension of a scale that in external dimensions remains visually subservient to the host structure and is of a style that compliments the surrounding rail architecture. As such the proposal is not considered to visually harm the existing signal box and the restoration of the host structure is in the interests of its preservation therefore the application can be considered to assist in conserving the historic environment with regards to non-designated heritage assets.

The benefits of bringing an abandoned building back to use are considered to outweigh any potential harm in respect of slight overdevelopment of the site.

As such the development is considered acceptable in terms of its impact on the non-designated heritage asset and the area therefore it accords with Policies 2, 3 and 29 of the SELLP and the Sections 12 and 16 of the NPPF.

Residential amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

Concerns have been raised that the first floor glazed area on the western elevation would result in overlooking and loss of privacy to the neighbour to the west (The Station House, 4 Backgate). The concerns are noted, however, the glazing on the western elevation of the building is existing and would just be updated therefore it could not reasonably be resisted. One new window opening is proposed in the western elevation facing this neighbour. Given there is already existing glazing in the western elevation, closer than the proposed opening it is not considered that the proposed opening would result in additional unacceptable overlooking. The new opening would be sited approximately 20 metres from this neighbour's nearest window therefore it can on balance be accepted. Given the separation distance the proposed extension is not considered to result in overbearing impact or unacceptable overshadowing on this neighbour. Furthermore permitted development rights have been removed by way of a condition to avoid any new openings and to ensure the flat roof element is not accessed/used as a viewing platform. As such any potential impact on this neighbour would be within acceptable tolerances.

With regards to the neighbour to the east (Railway House, 57 Stone Lane) the proposed extension would be sited approximately 15 metres from this neighbour's nearest elevation and separated by a private drive. Given the modest height and rear projection of the extension this separation distance is considered sufficient as to not result in any overbearing impact or unacceptable overshadowing. One new first floor window is proposed in the eastern elevation of the extension, however, this would directly overlook only a small section of this neighbour's front garden/drive therefore no unacceptable overlooking or loss of privacy would result.

As such, the proposals are on balance not considered to unacceptably harm the residential amenity of adjacent neighbours by reason of unacceptable overshadowing or overlooking and therefore complies with paragraph 130 of the NPPF and policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Parking

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision. The proposed scheme would create 2 no bedrooms therefore 2 no off-street parking spaces are required for the site. The current scheme proposes 2 no off-street parking spaces therefore it complies with the current parking standards.

Concerns have been raised by local residents with regards to a storage container being located on the proposed parking spaces and construction vehicles being potentially parked on the street and causing obstructions/access issues. The concerns are noted and a condition has been attached to

the decision notice for the storage container to be removed and the proposed parking spaces implemented prior to first use of the extension. With regards to construction vehicles potentially being parked on the street, this would be temporary and given the scale of the proposed development it is not considered reasonable to request a construction management plan.

Drainage

Policy 4 of SELLP is concerned on flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

South Holland Internal Drainage Board advises the applicant should provide a drainage strategy for the site. If the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3. It should be noted that any discharge should be in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), so the Board is unlikely to grant consent for discharges in excess of greenfield rate. The applicant should confirm if there are any riparian owned/maintained watercourses (open or piped) within or adjacent to the site boundary. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and Byelaw 4). An informative has been appended to this effect advising the applicant of the Boards Byelaws.

A local resident has raised concerns of potential flooding due to the additional hard-surfacing within the site, however as the property is within flood zone 1 and given there would be areas retained around the dwelling for the water to drain to it is not considered that the proposed development would result in increased flooding of the site and the neighbouring properties.

Subject to a suitable drainage strategy the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk and drainage.

Other matters

2no local residents have raised concerns that the proposed extension may be turned into a separate dwelling. The concerns are noted, however, this is not currently proposed and would require planning permission therefore it can be considered if and when an application is submitted.

Planning Balance

The proposal will not materially harm the existing non-designated heritage asset, the character or appearance of the locality, the amenity of nearby residents or result in parking, biodiversity or drainage issues. The planning balance is therefore considered to be in favour of the proposal.

Conclusion

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

Taking into account the above, this application accords with Policies 1, 2, 3, 4, 28, 29, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 12, 14, 15 and 16 of National Planning Policy Framework (2021).

Accordingly, it is recommended to approve this application via delegated powers.

Additional Considerations

None.

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in

discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

RECOMMENDATION

The application can be approved under delegated powers.