

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H01-0440-21 **Applicant:** Mr P Hearth
Proposal: Proposed Annexe
Location: 14 Milfoil Lane Cowbit Spalding
Terminal Date: 23rd June 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
36 Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 12. Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is an application seeking planning permission for the erection of a detached outbuilding along the sites western boundary to use as an annexe. The accommodation would comprise 2no bedrooms, a shower room and an open plan kitchen/living area. The annex would have pale grey Cedral weatherboard cladding, a dark grey slate effect roof and white UPVC door/windows/guttering. The proposal also includes replacing the hedge along the western boundary with a 2 metre high close boarded fence.

Site Description

The site comprises a detached dwelling located on Milfoil Lane in Cowbit. The site is located within the Cowbit settlement boundary. The site contains a detached double garage along the northern boundary with additional parking in the driveway in front of the garage. The site is enclosed by boundary fencing and a hedge. The immediate area comprise primarily residential dwellings of varying size/design/materials.

History

No relevant planning history.

Consultation Responses

No responses received.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 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. 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 its uses.

The proposed annex building would comprise an open plan kitchen/living area, bathroom, and 2no bedrooms. The gross floorspace is adequate per each room to ensure good living conditions to the annexe occupier. The proposed single storey building would be located to the west of the main dwelling and would have dimensions of 11 metres x 4.6 along the southern elevation and 4 metres towards the northern elevation. It would have pale grey Cedar weatherboard cladding, a dark grey slate effect roof and white UPVC door/windows/guttering

There would not be any prominent views of the proposed building from the main public realm given the siting of the proposed building and location of the site at the end of a cul-de-sac. The building would be subservient to the main dwelling and take on the appearance of a domestic outbuilding. It is considered that it would not materially harm the street scene or the character or appearance of the locality. Overall, the size and external appearance of the proposal would not be at odds with the existing dwelling on the site or the immediate area.

The proposed replacement of the hedge along the western boundary with a 2 metre high close boarded fence is not considered to significantly or unacceptably change the overall appearance of the site given the fence would be a similar height to the existing hedge. In addition, there would be sufficient greenery retained on the site to ensure the site retains its green character.

As such the proposal is not considered to materially conflict with Policies 2 and 3 of South East Lincolnshire Local Plan, 2019 in this respect.

Residential amenity

Paragraph 127 of National Planning Policy Framework (2019) 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.

The neighbours closest to the proposed development are at no's 188 and 190 Barrier Bank located to the west of the application site. The proposed building would sit adjacent to the rear gardens of these neighbours. There is an existing 1.9 metre high fence along the shared boundary with these neighbours. The eaves of the proposed building would be only 0.6 metres higher than the boundary fence and the bulk of the roof would face away from these neighbours, thereby lowering the impact. 2no windows are proposed in the rear elevation of the building facing these neighbours, however these would be blocked by the existing boundary fence and would overlook these neighbours.

As such, the proposals are not considered to unacceptably harm the residential amenity of adjacent neighbours by reason of unacceptable overshadowing or overlooking.

Car parking provision

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class.

The development would entail an additional 2no bedroom. It is unknown the current number of bedrooms within the existing dwelling. Appendix 6 of SELLP 2019 sets out the highest number of car spaces is 3 for dwellings with 4 or more bedrooms. The existing driveway is able to accommodate 4no cars if needed. With an additional 2no spaces in the garages. As such the site exceeds the current parking standards.

Flood Risk

The site is in Environment Agency Flood Zone 1 and not subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. There is not considered to be a material flood or surface water risk to the site.

Planning Balance

The principle of an annexe outbuilding that is incidental to the enjoyment of a dwelling is acceptable.

The scale and height of the outbuilding is subservient to the plot and the host building. The proposed materials would deliver an external appearance matching with the current fabric of the building. It is considered that the development would not harm the amenity of residents nearby. The additional bedrooms are not anticipated to increase the pressure on the car parking demand within the curtilage.

On balance, no adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

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 2, 3, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Section 12 of National Planning Policy Framework (2019).

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.