

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H02-0638-21 **Applicant:** Mr & Mrs Leftley
Proposal: Proposed detached annex - re-submission of H02-0286-21
Location: 1 Low Road Crowland Peterborough
Terminal Date: 5th August 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
01	Spatial Strategy
03	Design of New Development
04	Approach to Flood Risk
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

NPPF 2021

Section 12 - Achieving well designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking permission for the proposed erection of a detached self-contained annexe at 1 Low Road, Crowland. The annex would be used by a family member.

This is a re-submission of H02-0286-21 which was refused for the following reason:

"The proposed dwelling would constitute an unacceptable form of cramped development out of keeping with existing development in the area by virtue of existing residential development being sited within larger plots and the application site offering limited external space in comparison. This would be to the detriment of the existing character and appearance of the area, which is the rural fringe of the settlement.

The proposal is therefore contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (2019). Policy 2 indicates that sustainable development considerations should be met in terms of the size, scale, layout and design of the dwelling in regards to the impact upon the character and appearance of the area. Policy 3 indicates that design which is inappropriate to the local area or which fails to maximise character and quality of the area will not be acceptable. These policies are in accordance with Section 12 of the National Planning Policy Framework (2019), in particular the principle that new development should be "sympathetic to local character, including the surrounding built environment". It also considered to be contrary to Section B2 of the National Design Guide which requires a site's context to be taken into consideration."

Site Description

The site forms part of the curtilage of no. 1 Low Road - A two storey detached dwelling situated on a large corner plot. To the west is a large detached chalet bungalow, to the rear is Corporation Bank, beyond which is a flood storage area. There is frontage development opposite. Existing dwellings in the area are a variety of ages and designs. The dwellings are mostly situated on large spacious plots.

History

H02-0286-21- Refused 18-05-21- Proposed 3 bedroom chalet bungalow.

Consultation Responses

Parish Clerk- Crowland Parish Council

No objections to the annex, as previous issues seem to have been addressed.

North Level District IDB

No comments.

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

Planning Considerations

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 considerations in this case are:

- Principle/Policy
- Flood Risk
- Layout, Design, Size and Scale
- Impacts upon Residential Amenity

Principle/Policy

The site is situated within the defined settlement boundary of Crowland, according to the South East Lincolnshire Local Plan (2019) Inset Map No 3.

Policy 1 of the Local Plan (Spatial Strategy) classifies Crowland as a "Main Service Centre". "Development" in Main Service Centres "will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities."

The proposal would be carried out on a plot between existing dwellings, therefore this development can be considered infill development. The annex would be occupied by family members of the applicants t would enable the family to remain as a family unit, whilst providing a degree of independence for both parties.

The proposal is closely related to the main dwelling and is relatively small, being restricted to a single bedroom, and of a similar scale to a double detached garage. Given the ancillary nature of the development, the proposal cannot readily be located elsewhere. Therefore, the principle of development for the proposal is acceptable unless material considerations indicate otherwise, according to section 70(2) of the Town and Country Planning Act 1990. This is subject to a condition restricting occupation to family members only.

The proposal is in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019.

Flood Risk

In terms of flood risk, the application site is situated in Flood Zone 1 according to the GOV Flood Map for Planning. Therefore, the proposed annex would appear to be situated in a low flood risk area on the face of it.

However, the South East Lincolnshire Strategic Flooding Risk Assessment (March, 2017), indicates that flood depths on the site could be between 1-1.6 metres for the 0.1% (1 in 1000) plus climate change event. Therefore, based on the South East Lincolnshire Strategic Flood Risk Assessment Standing Advice: "Proposals must have a minimum of 2 storeys, with finished floor levels (FFL) set a minimum of 1 metre above existing ground level, flood resilient construction to a height 300mm above the predicted flood depth, and demountable defences to 600mm above FFL." Although a single storey annex would not comply with the requirement for a minimum of 2 storeys, a condition can be added requiring the first floor to act as a refuge in a flood event. A condition requiring finished floor levels to be raised to 1m above ground level can be added in the normal way.

The proposal is considered to satisfactorily accord with Policies 2, 3 and 4 of the Local Plan which require flood risk to be taken into account.

Layout, Design, Size and Scale

Paragraph 127 of the 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; and 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, among other considerations. Likewise, Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The proposed annex measures approx. 7.8m in depth by 8.8m in width. The maximum height will be approx. 6.7m. It would therefore be of a similar scale to a double detached garage, would relate well to no. 1 Low Road and is set back from the front elevation of no. 3. In light of this, it would not be at odds with the character of existing development in the locality.

In terms of the design of the building itself, it is considered to be congruent with the existing style of neighbouring buildings at no's. 1 and 3 Low Road. Facing buff brickwork on walls, concrete roof tiles and UPVC in fenestration and rainwater goods are proposed for the annex. Exact details could be secured by condition.

The floor level of the building would need to be raised by 1m due to the potential flood depths identified above. Given the single storey nature of the annex, it is not considered that this would

have a material visual impact on the street scene.

Taking the above into account, the proposed annex is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale.

Impacts upon Residential Amenity

The front elevation of the proposed single storey annexe sits approx. 40m from the front elevation of no. 2 Low Road, which is not considered to have an unacceptable impact in terms of overlooking or loss of privacy. It is tantamount to a normal front to front relationship along this road.

There would be no side facing windows to the single storey annexe. Therefore, it would not overlook unacceptably to no. 3 Low Road.

Full levels details will be secured by condition, but it is not considered that there would be a material overbearing or overshadowing impact upon the neighbouring property to the west, despite the need to raise the floor level, as it is a garage. The applicant's are the occupants of 1 Low Road and therefore it is assumed they are content with the relationship with the proposed annexe.

Taking the above into account, the proposed annexe is considered to be compliant with Policies 2 and 3 in the SELLP, 2019 and in accordance with Section 12 in the NPPF, 2019 in terms of residential amenity.

Planning Balance

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 proposed annexe will not materially harm the character or appearance of the locality or amenity of nearby residents. It is therefore considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019

Additional Considerations

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.

Conclusion

The recommendation is for a delegated approval.