

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-0783-24 **Applicant:** Mrs L Sboui

Proposal: Extension and conversion of single storey garage to ancillary annexe to main dwelling including improvement to parking spaces

Location: 164 Nene Terrace Road Crowland

Terminal Date: 12th November 2024

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2023****National Planning Policy Framework December 2023**

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

National Guidance**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

The application seeks full planning permission for a single storey rear extension to an existing dwelling. The proposal would link the existing side extension where the garage is located by expanding upon the existing brickwork. This would result in an increase in the height of the side extension to match the height of the existing dwelling frontage. The existing garage is also proposed to be converted into an annexe.

The front driveway is proposed to be expanded to provide more space for parking and turning. The vehicular access from Nene Terrace Road would remain unchanged.

Site Description

The application site comprises land at 164 Nene Terrace Road, Crowland. The site is located approximately 1 mile to the south-east of the edge of Crowland. The site comprises a detached dwelling and its associated garden. The dwelling is located at the end of a row of dwellings, however, most of the surrounding area comprises the countryside.

Relevant Planning History

No previous planning applications have been submitted within the site.

Consultation Responses

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on South Holland District Council's website.

Crowland Parish Council: No comments.

Highways and SUDS Support: No objections. The proposal is to provide extra living space linked to the house. The proposal will not have an adverse impact on the public highway or surface water flood risk. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

North Level District Internal Drainage Board: No objections.

CLlr B Alcock: No response received.

CLlr J R Astill: No response received.

CLlr A Harrison: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the

Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Principle of Development;
- Design and Visual Impact;
- Impact on Amenity;
- Highway Safety and Parking; and
- Flood Risk.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is outside any defined settlement boundaries. Notwithstanding this, the proposed development seeks to extend and convert a garage to form an annexe, thereby providing more living space for an existing dwelling rather than providing a new dwelling. In principle, the extension of an existing dwelling within the countryside is generally acceptable provided the extension is suitably designed and proportionate to the main dwelling.

The Local Plan does not contain any specific policies related to how annexe proposals should be assessed, nor is there any specific guidance within any of the adopted SPDs within the district. It is however generally recognised that annexes should be proportionate to the host dwelling, and that annexes should be appropriately designed.

The proposed annexe is relatively large, however, it is considered that it would be subservient to the host dwelling. As such, the proposed annexe would not be tantamount to the creation of a dwelling in an unsustainable location. Furthermore, a condition can be imposed to tie the proposal to the host.

The principle of development is appropriate. This is subject to the assessment against site specific criteria which are assessed in turn below.

Design and Visual Impact

Section 12 of the NPPF specifically relates to 'Achieving well-designed and beautiful places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Similarly, Policy 2 of the Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the NPPF, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

The existing dwelling features two storeys with a hipped roof form, and there is a single storey side extension which features a flat roof form. The side extension measures approximately 9.7m in width from the main dwelling. The extension measures 3m in height and the remaining part of the extension where the garage is located measures 2.5m in height. The garage is connected to the main dwelling with a connecting roof.

The proposal would increase the height of the side extension to 3m, to match the rest of the existing extension. The proposed materials use for the side extension would comprise brickwork to match the brickwork on the main dwelling. The existing roller shutter door would be replaced by a window and a doorway. The visual impact of this is acceptable.

The proposal also seeks to extend the existing garage to the rear by 6m. The proposed extension will continue to the flat roof form and is also proposed to be constructed using brickwork that matches the garage. The proposed extension would result in a relatively long extension compared to the main dwelling. The extension would however not be taller than the existing garage structure and the extension would be largely screened by an existing hedgerow which runs along the south-eastern boundary of the site. This therefore reduces the visual impact of the extension.

A roof lantern is proposed on the rear extension. The applicants agent has clarified that the roof lantern would not project above the roofline and as such would not be visible.

The proposed annexe would share an access, front driveway and garden space with the main dwelling. The annexe would have its own entryway which is separate from the main dwelling, therefore reducing the reliance of the annexe on the main dwelling. The proposed annexe also features approximately 55sqm of floorspace with a separate kitchen, living room, bathroom and bedroom. There is therefore sufficient living space that could allow an occupant to live independently. Notwithstanding this, overall it is considered that the annexe forms ancillary accommodation to the main dwelling. As set out previously, a condition can be attached to ensure that the use remains ancillary and cannot be used for any other purpose.

The visual impact of the driveway alterations is acceptable.

The visual impact of the proposed development is therefore acceptable. The proposed extension is appropriately designed and would be proportionate to the host dwelling. The proposed development would therefore not cause an adverse impact to the character or appearance of the area and would therefore accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF states that development 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.

Policies 2 and 3 of Local Plan sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed annexe would not result in an unacceptable degree of overshadowing or overlooking.

For example, the proposed extension is single storey and is not positioned next to the neighbouring property. The proposed new windows are located on the south-eastern elevation which does not look onto any neighbouring properties. Therefore, the impact of the proposed extension on the amenity of neighbouring properties would be acceptable. As such, the proposed development accords with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Highway Safety and Parking

Section 9 of the NPPF specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The number of bedrooms within the main dwelling is not confirmed, however, three parking spaces are proposed which should provide enough parking for both the main dwelling and the annexe. According to the application form, the expanded driveway area will be surfaced with gravel which is a permeable surface. The highways and sustainable drainage team at Lincolnshire County Council have been consulted on the application and have raised no objections to the proposed alterations to the driveway.

The proposed development would therefore be acceptable in terms of highway safety and would therefore accord with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Flood Risk

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

The current application is for a householder development and Paragraph 174 of the NPPF sets out that minor applications such as householder applications should not be subject to the sequential or exception tests. Developments should however still meet the requirements for site-specific flood risk assessments, as set out in footnote 59.

Whilst the application is not accompanied by a Flood Risk Assessment, the proposed development is relatively small scale and would feature ancillary accommodation to the main dwelling. The proposed annexe would feature ground floor sleeping accommodation, however, there would be a safe place of refuge in the event of a flood within the main dwelling which features a first floor.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The proposed development represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents. The proposed development therefore accords with the Local Plan and the NPPF. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

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

Taking the above considerations into account, the proposal is considered to be in accordance with policies 1, 2, 3 and 36 (including Appendix 6) of the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.