

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H03-0159-25 **Applicant:** Mrs J Wenman
Proposal: Garage extension to form ancillary accommodation
Location: 1 Herdsmans Close Deeping St Nicholas Spalding
Terminal Date: 23rd April 2025

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
32	Community, Health and Well-being
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 11 - Making effective use of land
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

National Guidance

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for an extension to an existing single storey garage to form an annexe at 1 Herdsman Close, Deeping St Nicholas.

The proposed development has been amended during the determination of the application to scale back the proposals. Initially, the extension would have resulted in the provision of an additional storey on top of the garage by increasing the height of the garage. The additional storey is no longer proposed and the proposed front extension is also no longer proposed. The extension is now only proposed towards the rear of the existing garage. It was not considered necessary to re-consult statutory consultees and neighbouring properties as the proposals were scaled back, therefore reducing the impact of the development. Two rooflights were removed, therefore reducing the impact of the proposals on 2 Herdsman Close which is the nearest dwelling to the site.

Site Description

The application site comprises land at 1 Herdsman Close, Deeping St Nicholas. The site features a two-storey detached dwelling and a garage. Littleworth Drove is located to the north-west of the site. There are three other dwellings located within Herdsmans Close, to the south-east, south and south-west of the site. Another dwelling, Beech Tree Barn, is located to the north-east of the site.

The site is located within the settlement boundary of Deeping St Nicholas, as identified within the South East Lincolnshire Local Plan (2019) and the accompanying policies map.

Relevant Planning History

H03-0236-01: (Outline Application) Erection of 4 dwellings and associated private drive access - approved 08 May 2001

H03-0473-00: (Outline Application) Residential development for 5 dwellings - refused 23 August 2000, appeal submitted but withdrawn 18 May 2001

H03-0500-04: (Reserved Matters) Erection of four dwellings with garages and private drive (Outline H03/0236/01) - approved 08 July 2004

H03-0797-24: (Full Application) Garage extension to form annexe - refused 07 January 2025 - appeal dismissed 27 March 2025

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. The responses are based on the proposals before they were revised.

Deeping St Nicolas Parish Council: This application is similar if not identical to H03-0797-24 which was recently refused. Again, it is so well-appointed that there appears to be no dependency on the main house. There is no internal access from the main house to the Annex. This effectively makes it a new and separate address. The proposed extension appears to have a greater footprint than the original house, whereas extensions should be subsidiary to the main building; therefore we consider this to be overdevelopment.

Highways and SUDS Support: How many bedrooms does the existing property have? Parking needs to be demonstrated on the proposed site plan. Will the existing boundary hedge along Littleworth Drove remain?

CLlr B Alcock: No response received.

Cllr J R Astilll: 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 within the defined settlement of Deeping St Nicholas which is a Minor Service Centre. Furthermore, the proposal solely relates to the extension of an existing dwelling and therefore, the principle of such development is considered to be appropriate. This is however subject to the proposals being suitably designed and proportionate to the host dwelling.

Design and Visual Impact

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. Paragraph 135 sets out 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.

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.

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.

As set out previously the proposed development has been amended during the determination of the application to scale back the proposals. Initially, the proposed extension was still considered to be disproportionate compared to the main dwelling. There were similar concerns with the proposals as the previously refused application H03-0797-24, which was subsequently dismissed on appeal. The proposal was therefore considered to be unsuitable. Design concerns were discussed with the applicant and the applicant submitted amended proposals which scaled back the proposed extension. The amended proposals were considered to be acceptable.

The existing garage measures approximately 5.4m by 5.5m. The garage features a gable end roof form which features 5m from the ground level up to the roof ridgeline. The proposed development seeks to extend the garage at the rear by approximately 6m, meaning that the annexe would measure 11.4m in length. This would result in the extension of the built form along the site frontage, which is located next to Littleworth Drove. The proposed eaves and ridgeline of the extension would match the existing garage.

Application H03-0797-24 was previously refused partly due to the proposed elongated form and scale of the garage. The proposed development under application H03-0797-24 would have resulted in a much taller extension at the side of the property which would have had a negative impact on the street scene. The revised proposal only seeks consent to extend the garage at the rear, rather than extending upwards or closer to the road frontage. Therefore, whilst the scale of the garage would increase, the garage would only increase towards the rear of the existing building. The proposed built form of the extension is considered to be subservient to the overall scale of the dwelling. Furthermore, there is a hedge along the site frontage next to Littleworth Drove which provides some screening of the site to soften views of the proposed built form. There are also trees to the north of the site which would provide a degree of screening from the north. The visual impact of the extension is therefore acceptable on balance.

The proposed floorspace for the annexe is also much more proportionate to the main dwelling now that the first floor is no longer proposed. Only one room is proposed for the annexe rather than separate rooms spread over two floors.

The proposed materials are not specified on the submitted elevation plans, however, the application form indicates that the proposed materials would match the existing materials on the main house. The proposed materials would therefore be suitable. It is considered appropriate to include a condition to ensure that the materials match the existing materials as closely as possible.

The visual impact of the proposed development would be acceptable and as such the proposed development accords 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 set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed development would not result in an unacceptable degree of overshadowing of

neighbouring properties. The garage would block some light to the rear garden space of the dwelling, however, this would not have a significant adverse effect, particularly as the roofline features a gable end roof form and would continue the existing roofline of the garage.

No windows are proposed along the north-western elevation which fronts onto Littleworth Drove, nor are any windows proposed along the north-eastern elevation. A patio door is proposed on the south-eastern elevation of the extension which faces onto the existing rear garden. There is an existing boundary treatment between the site and the neighbouring property and as such the positioning of this doorway should not result in an unacceptable degree of overlooking with the neighbouring property.

The proposed development would therefore have an acceptable impact on the amenity of neighbouring properties and future occupants, and as such the development would accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out 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, following mitigation.

Policy 2 of the Local Plan sets out 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 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, 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 existing dwelling features four bedrooms, for which the parking requirement is three parking spaces according to the Local Plan. The proposed extension would result in the provision of an annexe. The parking requirement would therefore remain three spaces for the dwelling and the annexe. Lincolnshire County Council's highways team have queried whether there would be enough space for parking within the site. However, the existing integrated garage would be retained and there is room for parking in front of the dwelling on a driveway. There would therefore still be enough room for three parking spaces within the site. 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 Local Plan, 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 is located within Flood Zone 2, as identified by the Environment Agency's flood maps. Policy 4 of the Local Plan sets out that development in Flood Zones 2 and 3 will be permitted in instances where specific criteria is met.

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. The site is within a 'low hazard' area as identified within the SFRA. The SFRA does not recommend any specific mitigation for the proposed type of development within low hazard areas. The proposed floor levels of the extension would be set at the same level as the existing dwelling. It is not considered that any specific flood risk mitigation is necessary in this case. The proposed development is therefore considered to accord with Policy 4 of the Local Plan and the intentions of the NPPF in this regard.

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 is an appropriate form of development within a defined settlement boundary. The proposed development would not materially harm the character or appearance of the locality, or the amenity of nearby residents. Therefore, overall the proposed development accords with the Local Plan and the NPPF.

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 these factors into consideration, the proposal accords with Policies 1, 2, 3, 4 and 36 of the Local Plan, as well as Sections 9, 11 and 12 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal. Therefore, the planning balance is in favour of the proposal.

Recommendation

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