DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H04-1263-21**	**Applicant:**	**Mr & Mrs Gibson**
Proposal:	Proposed garage conversion and extensions to form an annexe		
Location:	48 Malting Lane Donington Spalding		
Terminal Date:	2nd March 2022		

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 2021

12 - Achieving well-designed places.

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application at 48 Malting Lane, Donington for a proposed garage conversion and extensions to form an annexe. The proposal seeks to convert the existing garage to provide a porch and an open plan kitchen / dining area. Two windows and door will be sited to the frontage with the two existing rear elevation windows and door retained. The extension to the side of the garage will contain a bedroom, en-suite, lounge and conservatory at ground floor level, with a bedroom, en-suite and snug above. Roof tiles are to match existing, with bricks of the garage conversion to match the existing dwelling. Matching brick will also form part of the annexe extension along with cladding, the exact colour of which would be addressed by condition. The annexe extension will measure 4.14 metres in width, 14.4 metres in depth, have an eaves height of 2.4 metres and a ridge height of 5.3 metres.

SITE DESCRIPTION

The proposal is within defined settlement limits and the surrounding area is residential, characterised by dwellings of varying ages and designs. The site is in Environment Agency Flood Zone 1 and is not subject to increased hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

No relevant history.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections.

Black Sluice Internal Drainage Board

Provides soakaway guidance.

"The Board has a byelaw (No.10) which prohibits the siting of any obstructions, whether temporary or permanent, including planting, within 9 metres of the lateral edge of the enclosing structure without the prior written consent of the Board.

In this instance it would appear that part of the front elevation of the proposed extension will be located within the 9 metre distance. If this is the case, then the applicant must make an application to the Board to relax the byelaw, and have received consent from the Board in writing, prior to any works commencing on the site. The applicant must not assume that consent will be granted on the basis of this letter.

The alternative would be for the applicant to relocate the extension outside of the byelaw distance, in which case no formal consent is required.

The applicant is reminded that if the planning application is granted, then they will be responsible for ensuring that there is no adverse effect on the piped watercourse during any proposed construction works. Any damage caused will be the responsibility of the applicant to rectify at their costs to the Board's specifications."

PLANNING CONSIDERATIONS

Principle of development

The proposal seeks to extend an existing property to provide an annexe. This property is in defined settlement limits and is for residential development on residential land. The principle of development in this location is considered to be acceptable.

This application accords with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:
1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the above relevant criteria the following can be observed:

1. The size, scale and layout of the annexe is subservient to the main dwelling. No trees will be removed to facilitate this proposal. The character and appearance of the area is not impacted by this proposal.

2. The design is in keeping with the character of the surrounding area. The orientation matches the line of frontage of the main dwelling and best enables ingress / egress.

3. Roof tiles are to match existing, with bricks of the garage conversion to match the existing dwelling. Matching brick will also form part of the annexe extension along with cladding, the exact colour of which would be addressed by condition. These materials are considered to be appropriate for the site.

4. The proposed accesses will not change. Despite the removal of the garage the site can accommodate in excess of three off road parking spaces which is the minimum amount required for properties with four bedrooms or greater under Appendix 6 of the SELLP.

5. The capacity of existing community services and infrastructure is not materially impacted by the proposed annexe.

6. There is not considered to be a noise, odour or disturbance impact from the proposal. With regard to visual intrusion the following can be observed:

Overdevelopment - The proposal is not considered to constitute overdevelopment. The annexe extension is subservient to the main dwelling and there is a large amount of curtilage space to the front and rear of the property.

Overshadowing / overbearing - There is not considered to be an overshadowing or overbearing impact from the proposed annexe. The dwellings to the north of the proposal are all over 30 metre away, with Sileni to the south not being impacted by a loss of light due to the trajectory of the sun. Additionally, due to the 2.5 metre high southern hedge boundary this reduces the visual bulk of the building, with the roof slope sloping away from the boundary to a height of 5.3 metres.

Overlooking - The main dwelling is located to the north of the annexe, with 46 Malting Lane 33 metres away. A property named Sileni is located 15 metres to the south of the site. Cherry Lodge is 30 metres to the north-east beyond the rear boundary. 55 Malting Lane is sited 35 metres away to the west on the opposite side of the road. The ground floor windows face the 2.5 metre southern side boundary, a 1.8 metre high frontage boundary fence is to the west, and a 2.5 metre high is located to the eastern rear boundary. At first floor level the frontage bedroom and rear snug window are at least 30 metres from neighbouring properties and they are not considered to constitute a material overlooking aspect. The north facing first floor bedroom window is 33 metres from Cherry Lodge to the north at the nearest point. The boundary treatment is a 2.5 metre high hedge. There is not considered to be an overlooking impact from this window. There is a south facing first floor rooflight that is sited at 1.3 metres above ground level. There is not considered to be an overlooking impact from this rooflight as it serves an en-suite and will be obscure glazed.

7. The site is in Environment Agency Flood Zone 1 and is not subject to increased hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping. The proposed annexe is connected to the dwelling and there is not a requirement to raise finished floor levels to address flood risk.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. 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.
Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:
1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

When assessed against the above relevant criteria the following can be observed:

1. There is not considered to be a impact on a sense of place. The size, scale and layout of the annexe is subservient to the main dwelling. No trees will be removed to facilitate this proposal. The character and appearance of the area is not impacted by this proposal.

5. Bin storage and cycle storage is not impacted by this proposal. Despite the removal of the garage the site can accommodate in excess of three off road parking spaces which is the minimum amount required for properties with four bedrooms or greater under Appendix 6 of the SELLP.

11. There is not considered to be a noise, odour or disturbance impact from the proposal. With regard to visual intrusion the following can be observed:

Overdevelopment - The proposal is not considered to constitute overdevelopment. The annexe extension is subservient to the main dwelling and there is a large amount of curtilage space to the front and rear of the property.

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Additionally, due to the 2.5 metre high southern hedge boundary this reduces the visual bulk of the building, with the roof slope sloping away from the boundary to a height of 5.3 metres.

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12. The site is in Environment Agency Flood Zone 1 and is not subject to increased hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping. The proposed annexe is connected to the dwelling and there is not a requirement to raise finished floor levels to address flood risk.

This application accords with SELLP Policy 3.

PLANNING BALANCE

It is considered that the proposed annexe extension is appropriate for the site. It is subservient in scale and does not impact the character and amenity of the surrounding area by virtue of the design and distance to neighbouring dwellings. A condition will be added preventing sale, lease or rental of the annexe as an independent living unit. This application accords with Policies 1, 2, 3, 4, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, 2021.

CONCLUSION

This application is recommended for approval.

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.