DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H06-0749-23**	**Applicant:**	**Mr L Connelly**
Proposal:	Proposed Extension & Alterations		
Location:	Fenlands Cottage Fen Dike Clarks Hill		
Terminal Date:	16th October 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving well designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed extension and alterations at Fenlands Cottage.

Site Description

The site lies outside any defined settlement boundary and is therefore classed as being in the countryside as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). The dwelling currently is very derelict with the majority of the roof having caved in and the structure itself appears unsafe. The design and material on the wall has fallen off to expose the bricks underneath. The grass surrounding the area is overgrown with the majority of the site having rubble and rubbish throughout.

History

H06-0615-04 - Demolition of derelict cottage and subsequent erection of a replacement dwelling - Refused

H06-0516-07 - Repair and re-instatement of use as a dwellinghouse - Approved

H06-0019-09 - Use of agricultural building for a workshop to build horse boxed (Retrospective) - Approved

H06-0485-10 - Repair and re-instatement for use as a dwelling house - Approved

H06-0889-12 - Details of report indicating condition of brickwork and methods of repair, bricks, panel of render, render colour, boundary treatment, doors and window frames, design and position of external meter boxes and roof lights (Conditions 3, 4, 5, 7, 11, 15, 16, 17, 18 and 19 of H06-0485-10) - Approved

Consultation Responses

Gedney Parish Council

Council supports this application.

SHDC Conservation Officer

No objections.

The proposal site is neither listed, nor within a conservation area, and neither is it within close visual range of any such properties. However, it should be noted that the host property could be considered to be a non-designated heritage asset. The proposal is minor enough in scale that I do not consider it to risk harming or causing the loss of the site's special interest and as such, I do not wish to object to the principle of the proposal.

Lincolnshire County Council Historic Places Team

No archaeological input required.

Public Representation

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.

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms 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 (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Planning Considerations

Layout, Design and Consideration of the Character and Appearance of the Area

Paragraph 130 of the National Planning Policy Framework (NPPF), 2023 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, that they are visually attractive, as a result of good architecture, and are sympathetic to local character. 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. Furthermore, policy 3 accords with the provisions of section 12 of the National Planning Policy Framework, 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 materials of the proposal for the most part will be similar to the existing, the walls will be rendered to match the existing and the roof will be pantiles where as the existing roof is just tiles. This is not considered a significant impact and therefore this difference in material will not visually impact the locality or street scene of the area.

For the side extension the measurements are as follows, it will be 5200mm wide and protrude from the side elevation by 5515mm. The ridge height of this development will come up level with the eaves of the existing house. For the extension coming off the rear of the north elevation it will be 1300mm wide and 3040mm in length, the height of this will come up just higher than the eaves of the extension. These measurements are considered to be acceptable and proportionate and will provide adequate extra floor space.

As part of the development there will be some alterations taking place. The existing kitchen will become a hall/study and the new kitchen will be located in the extension. The dining room is adjacent to this extension and will be opened up into the extension to create an open plan kitchen/dining room. The WC on the ground floor will be relocated into the area near the stairs with the utility being opened up into the existing WC. On the first floor the bedroom labelled 'Bedroom 3' will be shortened slightly to create a new bathroom. The access into 'Bedroom 2' currently is through 'Bedroom 1' and the access to this will change to create a new door shortening 'Bedroom 1' and blocking up this existing access. On the landing the window width will be slightly reduced and there will be new windows within the extensions. Externally they will be rebuilding a chimney stack, including roof lights and repairing and reinstating wall tiles. Most of these alterations do not require planning permission but have been included on the plans so have been included within the report.

Impact on Residential Amenity/Land Users

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The proposed extension would have no impact on resident amenity. The nearest resident to Fendlands Cottage is over 50maway. There would be no concerns regarding overshadowing or overlooking and the development would not be overbearing on the area or locality. Naturally, after the initial construction, which itself would take place over a short period, minimal additional noise pollution would be caused as a result of the development.

The proposal is therefore in accordance with Policies 2 & 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Other Matters

Due to the buildings state of disrepair and current uninhabitable conditions it could be considered to be abandoned, however just because it is 'abandoned' it doesn't mean the planning use is also

abandoned therefore it can still be considered that the residential use is still active especially as the current owner appears to be living on site in a caravan situated to the rear of the property. English courts have established four factors for determining abandonment, they are set out below -

- The physical condition of the building. As previously mentioned, the physical condition of the building is one of disrepair and and from first glance appears abandoned due to certain aspects like the roof caving in and parts of the walls falling off. By carrying out this development, it will improve the physical condition of the building and improve the area.
- The period of non-use. The building appears to have been abandoned for some time however has only recently severely deteriorated. Over the years there has been many applications that have wanted to repair the building and restore it and it can therefore be considered that despite the amount of time out of use there has been efforts to restore it.
- Whether there has been any other intervening use. As far as the LPA are aware, there has been no intervening uses on site and the property has remained residential throughout.
- The owners intentions. Based on the current application and previous applications from other owners it is apparent they want to keep the property as residential and attempt to repair it to make it habitable in the future, following an approval on this application this would help this.

Based on these four factors it is considered that the building is not abandoned and the intent is there, and has been, to repair and restore it from its current state. The land itself remains residential due to the owner appearing to live in a caravan on site and therefore the building should keep its use. By developing the building further it will make it habitable and turn it away from appearing abandoned.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development outside the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

Conclusion

Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2 & 3 SELLP, plus advice within the National Planning Policy Framework (NPPF), 2023. The 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.

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.

Recommendation

The recommendation is for a delegated approval.