DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-0045-21**	**Applicant:**	**Mr S Norris**
Proposal:	Extension & conversion of existing garage into self contained dwelling and erection of detached garage to host dwelling		
Location:	78 Chestnut Avenue Holbeach Spalding		
Terminal Date:	12th March 2021		

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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 2. Achieving sustainable development.
Section 5. Delivering a sufficient supply of homes.
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.

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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks permission for extension & conversion of existing garage into self-contained dwelling and erection of detached garage to host dwelling at 78 Chestnut Avenue, Holbeach, Spalding.

Site Description

The site forms part of a well-established residential area of Holbeach to the north-west of the historic core. It is a corner plot adjoining the junction between Chestnut Avenue and Northon's Lane.

A certain range of house types, designs and appearances has been observed in the area. Two-storey detached houses predominate the street scene of Chestnut Avenue whereas most of the dwellings are bungalow on Northon's Lane.

The main dwellinghouse is a large two-storey building facing east. Adjoining the western site boundary with No. 30 Northon's Lane, there is a detached garage and a large dark brown timber shed. An old metal detached structure with roller shutter is off the boundary onto the highway. A 2 metre high timber close board fence encloses the full site and obscures substantially views from the public road to the site. The remainder of the land between the dwelling and the road is laid in gravel and used for car parking.

History

H09-0341-11 - Two-storey extension, alterations and detached double garage - Approved

H09-0657-14 - Single storey extension to front elevation - Approved

Consultation Responses

South Holland IDB

No objection.
Reminds compliance with the Board's byelaws.

LCC Highways/SUDS Authority

No objections.
Reminds that car parking provision should be made in line with Local Plan standards.

SHDC Environmental Protection Officer

No objection.

Members of the public

One resident has objected the proposals in the following terms:

-No need to erect a dwelling given the recent residential development in the area.
-The new dwelling would not be aligned with the frontage
-Highway safety would be undermined. There would be minimal parking area within the plot.
- Further clarification should be made about the development on the uneven land levels and its relationship with adjacent properties.
- A new garage would be excessive development within the site.

Planning Considerations

Principle of development

The site is within the settlement boundary of Holbeach as set out in the Policies Map of South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 of the SELLP sets out the spatial strategy for new development across the district. A settlement hierarchy has been established in order to steer development to the most sustainable locations. Holbeach is classed as Main Service Centre and as such, development would 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 extent to which the proposed residential scheme is sustainable can be determined by assessing it against each dimension of sustainable development set out in Paragraph 8 of the National Planning Policy Framework (2019) as follows:

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The extent to which the proposed residential scheme is sustainable can be determined by assessing it against each dimension of sustainable development set out in Paragraph 8 of the National Planning Policy Framework (2019) as follows:

1. Economic

The future occupiers of the dwelling may work locally, support local services and overall make a contribution to the local economy. There may also be employment opportunities associated with the construction, albeit in the short term.

2. Social

According to "South Holland District Council 5-year Housing Land Supply Assessment (as at 31st March 2020)", the Council is capable of delivering housing land supply of 9.1 years under the Liverpool method. Although housing sufficiency has been met, additional dwellings being delivered by the proposal would make a social contribution.

Holbeach is one of the Main Service Centres in the district and as such it benefits from a wide range of services and facilities. From retail shops, supermarkets, postal office, gym to education centres, regular bus service to Spalding and Kings Lynn, public medical centres and a library. The location of the site is such that the future residents would not feel isolated from the local community and be able to meet their day-to-day needs by sustainable travel modes. In particular, the length of the journey by foot from the site to the town centre is in the region of 10 minutes.

3. Environmental

The site location is such that it would make the future residents travel to the facilities and services by sustainable modes of transport at expense of private car reliance. The land has been previously

developed, thereby no concern about the loss of greenfield which is sequentially less preferred.

However, the form of development would be inappropriate given the amount of floorspace within the site and the frontage development onto Chestnut Avenue. There would be a harm upon the built environment and local character of the area.

In flood risk terms, the site lies on Flood Zone 3a in accordance with Environment Agency. It has also flood hazard with 'Danger for Some' and the flood depths are anticipated between 0.25-0.50m above ground level. A set of mitigation measures has been proposed to incorporate to the development which are deemed acceptable to make the development safe for its lifetime and users.

On balance, the principle of developing dwelling is acceptable at such location albeit some drawbacks in environmental terms. The proposal therefore would be in accordance with Policy 1 of SELLP, 2019 and Paragraph 8 of NPPF, 2019.

Design and layout

Paragraph 127 of 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. Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

No elevation drawings of the existing property have been submitted. The determined plans of previous planning applications have been used instead. Having compared the dimensions on all plans, it is concluded that the scale and height of the intended dwelling would appear commensurate with the existing main property. The proposed garage would be clearly subservient to both.

The additional plot would be confined to the southern corner of the curtilage. The dwelling footprint would be immediately flanked by the western boundary with No. 30 Northon's Lane and the eastern boundary onto Chestnut Avenue. In light of the restricted depth, a smaller part of the building would face south whereas most of the footprint would be set at angle facing south-west.

The front area would be split into two parts. The western land would serve the house for car parking and vehicular access whereas the eastern land would be used for private garden. Further high fencing would be erected to the rear of the house and the front garden to delimit the new plot with the neighbouring land. The current fence onto the highway would remain.

Having regard to the proposed site layout and its setting, it is considered that the form of development would be uncharacteristic with the built environment in the area.

The detached garage would appear overall acceptable at such close proximity with the front boundary given its ancillary use and height. However, the dwelling footprint would clearly result at odds with the character of the local area. There is a well-defined frontage development onto Chestnut Avenue and Northon's Lane with all buildings facing the road. The position of the dwelling southwards would break the pattern across the street scene. Moreover, the development footprint is concentrated in a piece of land heavily restricted in depth which would lead to overdevelopment of the site.

Furthermore, the private garden would be provided to the front of the property heavily concealed by closeboard fencing. The proposals would not ensure natural surveillance between the private and public spaces nor adequate amenity standards to the future occupiers when enjoying the garden. Also, no car parking provision has been made within the plot and the drive area is deemed insufficiently wide to accommodate a minimum number of spaces and manoeuvre cars in a safe manner.

Residential amenity

Paragraph 127 of National Planning Policy Framework (2019) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

No primary window would oppose the adjoining properties, thereby the lack of overlooking effect by reason of the proposal. However, the intended dwelling would be separated approximately 4.70 metres from the nearest point of the existing property No. 78. By reason of positioning, the bulk would be perceived from No. 78. In addition to the scale and height of the development, it is anticipated at such proximity overbearing impact upon the residents of No. 78.

Flood risk

Section 14 of NPFF 2019 is aimed among other factors to provide the appropriate framework to prevent inappropriate development within the highest flood risk areas. A Sequential Test should be applied to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test should be applied in line with Flood Risk Vulnerability Classification set out in national planning guidance.

Paragraph 158 of NPPF 2019 states that "the strategic flood risk assessment will provide the basis for applying this test". The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. It is therefore not realistically possible to direct all development to zones with a lower probability of flooding.

As the development cannot be feasibly steered to locations with lower flood risk, an Exception Test should be applied. Paragraph 160 of NPFF sets outs that "for the exception test to be passed it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall".

Concerning condition (a), the site-specific Flood Risk Assessment (by S M Hemmings dated October 2020) states that a Supporting Planning Statement shall demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risks. No Planning Statement accompanies this planning application nor evidence of achieving sustainable development has been provided in a different format.

Concerning condition (b), the site-specific flood risk assessment has been extensively taken into account sources of flooding and flood risk probabilities including SFRA flood hazard and depths. In view of the findings, a set of measures has been recommended to incorporate to the development to make it safe for its lifetime and users which are deemed acceptable.

For the reasons above, the Exception Test has not been passed and accordingly the proposal is uncapable of provide wider sustainability benefits to the community that outweigh the flood risk.

Highways safety and car parking provision

The existing vehicular access would serve the plot. LCC Highways Authority has raised no objection in terms of cumulative impact upon the highway safety. However, it has raised some concerns about the lack of car parking provision.

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

The dwelling would have 4 bedrooms and the proposed detached garage would serve No. 78. No car spaces have been shown on the block plan. The drive area is approximately 9.90 metres in depth and 5.40 metres in width. Given these dimensions and irregular shape, three cars might be parked although no turning point would be likely to manoeuvre for entering and egressing the site in safe and forward manner.

Therefore, the proposals are not compliant with Appendix 6 of SELLP which seeks sufficient car parking provision within the curtilage to prevent on-street parking, nor good design standards to allow drivers to park vehicles conveniently and egress and entering the site in safe and forward manner.

Planning balance

The principle of development is deemed unacceptable at such location. When considering the extent to which it achieves sustainable development as a whole, the proposal fails to demonstrate its environmental benefits. No evidence has been provided to justify the suitability of the development in providing wider sustainability benefits to the community that outweigh the high flood risk on the site.

Although the proposal would appear commensurate with the existing property No. 78 in terms of scale and height, the form of development is clearly at odds with the built environment in its setting and would detract from the character of the local area.

Furthermore, there is no car parking provision for the dwelling and the drive layout appears inadequate for manoeuvring and parking cars in a safe and convenient manner. With regards to the garden, the front private garden would not ensure good levels of amenity for the house occupiers nor natural surveillance between public and private spaces given the significant enclosure.

In summary, the development is of such poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. On balance, any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of doing so, when the proposal be assessed against the planning policies taken as a whole.

Conclusion

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.

For the reasons above, this application is contrary to Policies 1, 2, 3, 4, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Section 2, 12 and 14 of National Planning Policy Framework (2019).

Accordingly, it is recommended to refuse this application via delegated powers.

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.