

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0194-21 **Applicant:** Mrs N Wilson
Proposal: Siting of building for use as self contained annexe
Location: 66 Spalding Road Holbeach Spalding
Terminal Date: 26th April 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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

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	1	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

CASE OFFICER ASSESSMENT

Proposal

This is a planning application that seeks full permission for the siting of building for use as a self-contained annexe at 66 Spalding Road, Holbeach.

Site Description

The site is within the built-up area of Holbeach. It forms part of frontage development onto the historic road of Spalding Road. The area is predominantly residential. The curtilage boundaries shape a long narrow site for the property. The main dwelling is an early C20 two-storey semi-detached house.

The land used for drive to both front and rear is laid in gravel. Most of the rear garden is grassed. A 2-metre-high timber close boarded fencing encloses the site and it drops in height in the first metres of the boundary line from the highway. A brick garage is near the eastern boundary within the adjoining plot. A large log cabin current adjoins the rear boundary.

History

H09-0141-21 - Extension of existing vehicular access - Refused

Consultation Responses

LCC Highways/SUDS Authority

No objection.

South Holland IDB

No objection.

Recommends preventing the discharge of surface water into the mains sewers and apply the drainage hierarchy.

SHDC Environmental Protection Officer

No objection.

Holbeach Parish Council

No objection.

Principle of development

The site is within the settlement boundaries for Holbeach as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Irrespective of spatial planning considerations, the principle of developing an annexe that is incidental to the enjoyment of a dwelling is acceptable subject to further material planning considerations.

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.

The building for use as self-contained annexe is a log cabin. It would be 10 metres long, 6 metres wide and 3.62 metres high. The outbuilding would be set back 8.49 metres from the rear wall of the house and 1 metre from the eastern boundary line. In light of the proposed dimensions, the scale and height of the development would appear commensurate with the adjoining buildings.

The existing original party wall outbuilding would remain adjoining the western boundary as well as the existing log cabin at the rear of the site. The development is of such scale and height and positioned within the site in a manner that it would not overdevelop the rear garden.

Internally, the log cabin would have a half-open space for kitchen, dining and living room at the front. One double bedroom and bathroom with an entrance lobby would be at the rear of the outbuilding.

The facilities provided within the proposed log cabin would make the development able to constitute primary accommodation for permanent residential use. However, the outbuilding would be sited on the driveway with no material opportunity to form a separate and independent plot from the application's dwellinghouse. The restriction of the use of the log cabin as an annexe by way of condition is deemed sufficient in this case to dissipate any concern once the proposal has been carried out.

The timber appearance of the development would be still characteristic of a domestic plot. Grey slate tiles would be laid on the rooftop. UPVC in Anthracite grey would be used for openings and rainwater goods.

Flood risk and drainage

The site is within Flood Zone 3(a) and 'Danger for Most' flood hazard area and the flood depth are anticipated up to 0.25m as per South East Lincolnshire Strategic Flood Risk Assessment (March 2017).

Paragraph 164 of NPPF, 2019 states that "applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 50". For further reference, Footnote 51 set out that minor development includes householder development such as the proposal hereby assessed.

A site-specific flood risk assessment accompanies this application. The development would be protected by defences during the 1% annual probability (1 in 100 chance each year) fluvial event and 0.5% annual probability (1 in 200 chance each year) tidal event including an allowance for climate change. During a breach, the flood depths at the site could be up to 0.35m.

Accordingly, it has been recommended to raise finished floor levels 400mm above ground levels. In view of the flood risk probability on site, it is deemed acceptable this mitigation measure to protect the lifetime of the development as well as its user.

Initially, the drainage strategy consisted of surface water disposal into the mains sewer. In view of the aforementioned policy, the case officer requested to incorporate the use of SUDS and revised plans were submitted to demonstrate the installation of a soakaway at least 5 metres to the rear of the annexe building.

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.

The proposed log cabin would be positioned in close proximity to the western boundary with No. 64. The height would exceed approximately 1.62 metres the existing boundary fence. The shortest separation distance with No. 64 would be in the region of 10 metres. For these reasons, no overbearing impact is anticipated.

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.

It is unknown the number of existing bedrooms within the house but it would appear to be a 3 bed property. The highest number of car spaces within the curtilage that Appendix 6 requires is 3 for dwellings with 4 or more bedrooms.

The layout of the drive area is such that at least 3 cars can be easily parked. The provision of the intended annexe would not lead to on-street parking.

Planning Balance

The principle of developing an annexe that is incidental to the enjoyment of a dwelling is acceptable subject to further material planning considerations.

The annexe would be provided by the siting of a pre-fab log cabin. The scale and height of the development would be commensurate with the built forms in its surrounding. The external appearance would not be at odds with the residential character of the site. The flood risk mitigation measures are appropriate to make the development safe and its occupier. No harm is anticipated upon the amenity standards of the adjacent residents in view of the scale and position of the log cabin.

On balance, any adverse impact of granting permission would not significantly and demonstrably outweigh the benefits of doing so, when 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.

Taking into account the above, this application contravenes Policies 1, 2, 3, 4, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Section 12 of National Planning Policy Framework (2019).

Accordingly, it is recommended to approve 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.