

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0233-22 **Applicant:** Mr S Norris

Proposal: Extension & Conversion of Existing Garage into Self Contained Dwelling with Detached Garage to Host Dwelling - re-submission of H09-0045-21

Location: 78 Chestnut Avenue Holbeach Spalding

Terminal Date: 27th April 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

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	1	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	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. 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

H09-0045-21 - Extension & conversion of existing garage into self contained dwelling and erection of detached garage to host dwelling - Refusal

Consultation Responses

Holbeach Parish Council

No objections.

South Holland Internal Drainage Board

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

Historic Environment Officer

No archaeological impact.

LCC Highways/SUDS Authority

No objections subject to condition regarding closing up the existing access and informatives re the new access.

SHDC Environmental Protection Officer

No objection.

Residents

One resident has objected the proposal siting the following concerns:

- 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.
- Flood risk concerns given the single storey nature of the dwelling.
- The plot is too small for an additional dwelling.
- A new garage would be excessive development within the site.

Planning Considerations

Principle of development

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.

The site is inside Holbeach Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) indicates that within Main Service Centres, including Holbeach, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. The scheme is therefore acceptable in principle.

Design and layout

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as quality of design, size, scale, layout density and impact on the character and appearance of an area and the relationship to existing development. Policy 3 indicates that development proposals should be high quality and be appropriate to the character and appearance of an area.

The above policies are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 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.

One local resident has objected to the proposal on grounds that the new dwelling would not be aligned with the existing frontages in the street, the plot is too small for an additional dwelling and the new garage would be excessive development within the site. The concerns are noted and discussed below.

It is considered that the proposal would constitute an unacceptable form of cramped development which is out of keeping with existing development in the area by virtue of existing residential development being sited within larger plots. The proposal would result in a much smaller plot which is out of character with the prevailing density of the area and to the detriment of the existing character and appearance of the area.

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.

The detached garage would appear overall acceptable despite its close proximity with the front

boundary given its ancillary use. Its height and footprint is considered subservient to the existing dwelling and the plot.

The proposal is therefore considered to be contrary to Policies 2 and 3 of the SELLP and paragraph 130 of the NPPF.

Residential Amenity

Paragraph 130 of National Planning Policy Framework (2021) 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 closest neighbour to the proposed development would be the approved dwelling to the west of the application site. The existing garage is located close to the western boundary. The extension to the garage would not be visible to this neighbour as it would be blocked by the existing garage. The proposed new garage would also be blocked by the existing garage therefore this element is also not considered to result in any overbearing impact or unacceptable overshadowing. In addition, no new openings are proposed facing this neighbour therefore there are no overlooking or loss of privacy concerns.

With regards to impact on the existing dwelling on the site at no.78 Chestnut Avenue the proposed dwelling would be sited approximately 5.3 metres from the closest elevation. No.78 does not have any windows in the side elevation therefore no overbearing impact or unacceptable overshadowing is considered to result.

The proposal is therefore considered to on balance comply with Policies 2 and 3 of the SELLP in terms of amenity.

Flood risk

Section 14 of NPPF 2021 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 159 of the National Planning Policy Framework (NPPF) 2021 sets out that, inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. The South East Lincolnshire Strategic Flood Risk Assessment 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 164 of NPPF sets out 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 that accompanies this application recommends that finished floor levels for single storey buildings with bedrooms on the ground floor must be at least 3.75 ODN which is 260mm above the existing level of the garage. No evidence has been provided to demonstrate that the proposal would soundly achieve sustainable development which is required to allow new development in high flood risk areas.

For the reasons above, the scheme would be contrary to the NPPF, 2021 and Policy 4 of the South East Lincolnshire Local Plan, 2019, which also seeks the provision of wider sustainability benefits to the community that outweigh the flood risk.

Highways safety and 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. Two spaces for dwellings with up to 3 bedrooms should be provided within the curtilage. The proposed dwelling would have 2 bedrooms therefore 2no parking spaces would be required for this and it is not clear how many bedrooms the existing dwelling has, however, it appears to be a 3 bed therefore 2o spaces would be required for the existing dwelling.

One local resident has raised concerns of highway safety and insufficient parking. The concerns are noted, however, the LCC Highways Authority has raised no objection to the proposed access and parking for both the existing and proposed dwellings in terms of cumulative impact upon the highway safety.

2no off-street parking spaces are required for the proposed dwelling and 3no for the existing. The proposed scheme shows a driveway in front of the proposed dwelling which can accommodate 2no vehicles and the existing driveway and proposed garage can accommodate at least 3no off-street parking spaces for the existing dwelling.

As such the proposal would in balance accord with the current parking standards and highway safety in accordance with Policies 2, 3, 36 and Appendix 6 of the SELLP.

Planning balance

The site is inside Holbeach Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. However, the proposal would constitute a cramped and inappropriate form of that would be out of character with the area. In addition, no evidence has been provided to demonstrate that the proposal would soundly achieve sustainable development in line with the recommendations within the submitted site-specific flood risk assessment.

On balance, any adverse impacts of granting permission to the proposals would significantly and demonstrably outweigh the benefits, 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.

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, 5, 11, 12 and 14 of National Planning Policy Framework (2021).

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.

RECOMMENDATION

The application is refused under delegated powers.