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| <b>DECISION DELEGATED TO HEAD OF PLANNING</b> |
|-----------------------------------------------|

|                        |                                                                                           |                   |                       |
|------------------------|-------------------------------------------------------------------------------------------|-------------------|-----------------------|
| <b>Application No:</b> | <b>H09-1253-21</b>                                                                        | <b>Applicant:</b> | <b>Mr K Mahapatra</b> |
| <b>Proposal:</b>       | Extension & alterations to dwelling and extension to garage to form self contained annexe |                   |                       |
| <b>Location:</b>       | 3 Sunflower Close Holbeach Spalding                                                       |                   |                       |
| <b>Terminal Date:</b>  | 31st January 2022                                                                         |                   |                       |

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### 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**

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<br>SUPPORT                  | 0      | 0       | 0       | 1        |
| SOUTH HOLLAND<br>INTERNAL DRAINAGE<br>BOARD | 0      | 0       | 0       | 1        |

## **CASE OFFICER ASSESSMENT**

### **Proposal**

This is a householder planning application that seeks permission for a ground floor rear extension to create a sunroom. The extension would measure 4.6 metres (depth) x 4.8 metres (width) and stand at 3.1 metres in height. A rear extension to the garage is also proposed to create a self-contained annex. The garage extension would measure 10.6 metres (depth) x 6 metres (width) and stand at 4.7 metres in height (2.3 metres to the eaves). The annex would comprise one bedroom with an en-suite shower room and an open plan kitchen/dining/living room. The external materials would match the existing garage/dwelling.

### **Site Description**

The application site is located on Sunflower close in Holbeach, within the Holbeach settlement boundary. The application dwelling a part of a new residential development to the south of Hall Gate. The application dwelling is a large two storey red brick built dwelling with grey door/window frames. It sits on a generous sized plot with gardens to the front and rear. There is a detached double garage to the side with further off-street parking provision in the driveway to the front.

### **History**

H09-0331-17 - Access, appearance, landscaping, layout and scale for highways infrastructure (new link road, roundabout, junctions and modifications to Hall Gate and Fen Road (Phase 1A)), and two phases of residential development totalling 330 dwellings (Phases 1B & 2). Development Brief and Masterplan for phased development of remainder of site (Outline permission H09-0521-14 - Approved

H09-0521-14 - Residential development of up to 900 dwellings, with access off Hall Gate and Fen Road, including primary school, public open space, drainage infrastructure, landscaping, including demolition of two dwellings and agricultural buildings (but not listed Manor Farm and adjacent outbuildings) - Approved

### **Consultation Responses**

#### **Holbeach Parish Council**

No objections.

#### **LCC Highways/SUDS Authority**

Does not wish to restrict the grant of permission.

#### **South Holland Internal Drainage Board**

Requests ground investigation and infiltration testing to be carried out in order to ensure the proposed drainage strategy is suitable. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary. However, this should be confirmed by the applicant. If the proposals do involve the alteration of a watercourse, consent would be required under the Land Drainage Act 1991 (and Byelaw 4).

#### **Principle of development**

The site is within the settlement boundary of Holbeach therefore the principle of a house extension and a garage extension to form an annexe that is incidental to the enjoyment of a dwelling is acceptable.

#### **Design and layout**

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 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 its uses.

There would not be any view of the rear house extension from the public realm given it would be blocked by the existing two storey dwelling. The extension is considered proportionate and sympathetic to the existing dwelling and the plot. A sufficient amount of outdoor amenity space would be retained in the rear garden therefore the proposal would not result in overdevelopment of the site. The external materials would match the existing dwelling therefore it would not be out of character.

The proposed garage extension is somewhat on the large side, however it can on balance be accepted given the large plot size. The annex would comprise one bedroom with an en-suite shower room and an open plan kitchen/dining/living room. It would have a separate access via the side gate but would still be linked to the existing house as the parking and amenity areas would be shared. The gross floorspace is adequate per each room to ensure good living conditions to the annexe occupier. The building would retain the appearance of a domestic outbuilding. It is considered that it would not materially harm the street scene or the character or appearance of the locality. Overall, the size and external appearance of the proposal would not be at odds with the existing dwelling on the site or the immediate area.

As such the proposed development is on balance considered acceptable in terms of its impact on the character of the existing dwelling and the area therefore it accords with Policies 2 and 3 of the SELLP and the Section 12 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 is no.1 Sunflower Close located to the east of the application site. The proposed house extension would not be visible to this neighbour as it would be blocked by the existing house/garage. The garage extension would sit close to the shared boundary with this neighbour. However, some of it would be blocked by this neighbour's existing garage located close to the shared boundary with the application site. The garage extension may result in some overshadowing, however, this would only be in a small section of this neighbour's rear garden therefore it can on balance be accepted.

With regards to no.5 Sunflower Close located to the north-west of the application site the proposed house extension would be located approximately 7.3 metres from the shared boundary with this neighbour and the garage extension would be located at least 24 metres from its boundary. Given the single storey nature of the extensions, these separation distances are considered sufficient as to not result in any unacceptable impact in terms of overshadowing or overbearing impact.

The proposal is not considered to increase noise levels from the site as the proposed annex would be ancillary to the existing dwelling on the site therefore there would not be an intensified use of the site and no new activities would be introduced.

As such, the proposals are not considered to unacceptably harm the residential amenity of adjacent neighbours by reason of unacceptable overshadowing, overlooking or noise. It therefore accords with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

#### Flood Risk

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken. The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

The Environment Agency's Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth Maps) within the South Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The Flood Risk Assessment is from 2014 and is the same one submitted when the original dwelling was permitted. The same measures are proposed to be implemented on the site. Finished floor levels on the site should be set to a minimum of 3.630m AOD, to elevate property 450mm above predicted 1:200 year climate change breach level. Where (locally) these finished floor levels cannot be achieved the minimum FFL should be 3.380mAOD and flood resilience measures should be employed above this level to a datum of 3.780mAOD. Occupants of dwelling/annex should register to receive flood warnings from the Environment Agency.

As such the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and Section 14 of the National Planning Policy Framework (2021) with regard to their provisions on flood risk.

#### Car parking provision

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision. The development would entail an additional bedroom in the annex. It is unknown the current number of bedrooms within the main dwelling, however, a maximum of 3no off-street parking spaces would be required for the site. The existing garage has 2no parking spaces and 2 further vehicles can be accommodated in the driveway to the front. As such the scheme is considered to comply with the current parking standards.

#### **Planning Balance**

The principle of a house extension and garage extension to create an annex that is incidental to the enjoyment of a dwelling is acceptable. The scale and height of the extensions is on balance acceptable in relation to the host buildings/site. The proposed materials would deliver an external appearance matching with the current fabric of the buildings. It is considered that the development would not harm the amenity of residents nearby. The additional bedroom on the site is not anticipated to increase the pressure on the car parking demand within the curtilage. Subject to the raised floor levels there would be no flood risk concerns.

On balance, no adverse impact of granting permission would 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 accords with Policies 1, 2, 3, 4, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 12 and 14 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.

### **RECOMMENDATION**

The application can be approved under delegated powers.