

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-1285-25 **Applicant:** Mr & Mrs Ringer

Proposal: Extension to existing garage to provide a ground floor games room & first floor ancillary accommodation incidental to the main dwelling

Location: 18 Fishpond Lane Holbeach Spalding

Terminal Date: 17th February 2026

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

33 Delivering a More Sustainable Transport Network

36 Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework December 2024

Section 9 - Promoting sustainable transport
 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	0	1

RESIDENTS	3	0	0	0
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CASE OFFICER ASSESSMENT

Description of Proposal

This is a householder application for an extension to a garage to form a ground floor games room and first floor accommodation at 18 Fishpond Lane. The extension would project from the south-eastern elevation of the garage, forming an "L" shape. The extension would have a length of 9.8m, measured from the ground floor, or 13.83m measured from the first floor. It would have a depth of 5.65m. To the eaves, it would measure 4.63m, rising to 6.34m at the apex. The building would be rendered white, with metal windows and stairs.

The submitted plans illustrate an internal layout comprising a games room, gym and storage to the ground floor, with two bedrooms, a bathroom, living/dining room and kitchen to the first floor.

Site Description

The site is within the settlement boundaries of Holbeach, as outlined within the South East Lincolnshire Local Plan, 2019. The site is located fairly centrally within the settlement. 18 Fishpond Lane is a one-and-a-half storey dwelling, rendered white.

Relevant History

H09-0423-14 - Full - Proposed garage/ workshop - Approved 24/07/14.

H09-1179-15 - Full - Two-storey rear extension - Approved 01/02/16.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Highway and Lead Local Flood Authority

"No objections - This proposal is for extension to existing garage to provide a ground floor games room & first floor ancillary accommodation incidental to the main dwelling and the access and parking arrangements remain unchanged; therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety."

South Holland Internal Drainage Board

"The Board's Officers have reviewed the documents submitted in support of the above planning application. Officers have noted works which may require Land Drainage Consent from the Board as outlined in the table below and detailed overleaf. Please be aware of the potential for conflict between the planning process and the Board's regulatory regime."

Historic Environment Officer

"Thank you for consulting us on this. Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request"

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, 3 letters of objection have been received.

These can be summarised as:

- Overshadowing effect, particularly on garden
- Noise disturbance
- Overbearing effect
- Proposal does not follow the principles of good design outlined in the Local Plan

Key Planning Considerations

Evaluation

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

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is 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, 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the defined settlement boundaries of Holbeach, which is class a main service centre within Policy 1. As such development will be permitted that supports Holbeach's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

The submission has referred to the proposed accommodation as "ancillary accommodation". The term is essentially a synonym for annexe for planning purposes, and the two are generally interchangeable. No definition of an annexe or ancillary accommodation exists within the SELLP, NPPF, or wider legislation. However, it is generally taken to mean an ancillary use to the host dwelling, where a clear functional link exists between the two. The two buildings would have to be functionally and visually linked, with the annexe predominantly appearing visually subservient to the host to be considered as subservient.

The building proposed, would be of a comparable height to the existing dwelling. The total floor area would of the outbuilding following the extensions would be approximately 70% of the host dwelling's. Taken in isolation of the wider extensions, the first floor aspect would still have a floor area of 65sqm, providing two bedrooms, a living room and bathroom. These would, in effect, enable entirely independent living from the host dwelling.

Assessed on the basis of the scale of the proposal, including the resultant floor area, and the level of facilities proposed, it is not considered that the proposal would be ancillary to the host. On this basis, it is considered that the development would be tantamount to the creation of a new dwelling.

In any event, the site is within the settlement of Holbeach, and so the proposal would broadly align with the provisions of Policy 1, regardless of whether the development was judged to be ancillary or otherwise.

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

Section 12 of the NPPF, "Achieving well-designed places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP 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.

These policies accord with the provisions of the NPPF and require 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. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

As outlined above, when taken as a whole, the extensions would result in a building of comparable scale to the host dwelling. The heights are comparable, albeit the eaves of the outbuilding would be far larger than that of the host, and the floor space is approximately 70% of the host. This would prevent the building from being functionally or visually subservient to the host. The resultant building fails to provide an adequate relationship to the host, resulting in the two being visual distinct and reading as separate structures. The significant height would also result in the building being visible from the roadside, breaking the established built form of the area. The significant height would also increase visibility from neighbouring dwellings, harming the character of these properties.

It is outlined within the submitted Design and Access Statement that the significant height is necessary to create a step down between the dwellings to the rear and 18 Fishpond Lane. However, the significant garden space has already established a clear visual differentiation, and the existing relationship is existing. The creation of this building would therefore not aid in the creation of a cohesive roofline as contended.

The above assessment has been conducted on the basis of the built form generical, as opposed to specifically in relation to a standalone dwelling. As such, the same conclusion, that the proposal would cause unacceptable harm to the character of the area, would be reached if the proposal was assessed as an independent dwelling.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be unacceptable. The proposal would have an adverse impact on the character and appearance of the area and would therefore be contrary to Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The positioning of the proposed windows would mean that views are primarily of 18 Fishpond Lane's garden. That being said, some views of the garden of number 20 would be obtainable from bedroom 2, resulting in some level of amenity harm.

The extension would also result in increased overshadowing, particularly of number 20's garden. Whilst the location to the far of the rear garden would reduce the impact somewhat, as no habitable space would be impacted, it would still be detrimental to the overall enjoyment of the garden space.

As detailed above, the scale and design of the proposal is considered to have a significant and unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users. As such, the proposal is considered contrary to Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

Despite the potential increased demand for parking arising from the development, the ample parking space would still be maintained, when the drive and hardstanding are both considered.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Flooding Considerations

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: (...) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 174 of the NPPF states "the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". The strategic flood risk assessment provides the basis for applying this test.

Paragraph 175 of the NPPF states that "the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area

that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate. The process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the NPPF. Paragraph 178 states "to pass the exception test 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"

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These 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.

The South-East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan, including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the SELLP is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the sequential test.

Within the SFRA the site is marginally outside of any identified hazard zone.

Whilst it is argued by the LPA that the proposal would not represent an annexe, and therefore is not representative of householder development, as the site has been submitted in this manner, footnote 63 and Paragraph 176 of the NPPF are still applicable. Paragraph 176 states that: "Applications for some minor development and changes of use should also not be subject to the sequential test, nor the exception test set out below". Footnote 63 clarifies that this extends to householder applications.

In any event, being located in a low hazard zone, within a settlement primarily in Flood Zone 3 would mean that the site would pass the sequential test. Paragraph 174 of the NPPF is clear that the strategic flood risk assessment will provide the basis for applying the sequential test. Policy 4 outlines that the application of this test should be at an appropriate scale, which in this instance would be within the settlement of Holbeach itself.

On this basis, looking at the 1% fluvial and 0.5% tidal maps for South Holland in 2115, the site is within a sequentially preferable area, being located outside of an identified hazard zone. In any event, the first floor nature of the accommodation would ensure that it would be safe for its lifetime.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

Planning Balance

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

The proposal is not considered to represent ancillary development, due to its significant scale and ability to function successfully entirely divorced from the main dwelling. On this basis, the proposal is not considered to represent householder development and cannot proceed in this manner. In any event, a detached dwelling within this location would provide an unacceptable functional relationship, contrary to the aims of the development plan.

The proposal is considered to be overly large, creating a significantly harmful character and amenity

impact. The proposal would relate poorly to the neighbouring dwellings and 18 Fishpond Lane, failing to provide the expected subservient visual relationship.

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.

Conclusion

Taking these factors into consideration, the proposal is considered contrary to Policies 1, 2 and 3 of the SELLP as well as Section 12 of the NPPF. There are no matters which would outweigh the harm generated. On this basis, the planning balance is against the proposal.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be refused under Delegated Authority.