

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H12-0798-20 **Applicant:** Mr & Mrs Taylor

Proposal: Erection of a timber pre-fabricated single storey annexe for ancillary use to the main dwelling

Location: 67 Lime Walk Long Sutton Spalding

Terminal Date: 19th November 2020

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

Paragraph 127 of Section 12. Achieving well-designed places
Paragraph 164 of 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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a planning application that seeks planning permission for the erection of a timber pre-fabricated single storey annexe for ancillary use to the main dwelling at 67 Lime Walk, Long Sutton, Spalding.

The aim of the development is to provide residential accommodation for an elderly relative of one of the applicants.

Site Description

The site is backland development. The neighbouring property No. 67 is within a long domestic curtilage extending from Lime Walk to north-west. It backs onto the application site. A track runs adjoining the northern boundary of the site of No. 67 and serves access to the residents of the application site.

No. 67 is a bungalow with subsequent additions facing north-east. To the front, a drive area laid in gravel. There is also an old timber garden shed. Approximately 8.80 metres to the west of the dwelling, a brick outbuilding used for agricultural storage. Further to the west, there is paddock land for private use. A mixture of fencing and shrubs bound the full curtilage and obscures views from adjacent land.

History

None.

Consultation Responses

South Holland IDB

No objection.

Reminds that subsequent proposals on drainage should comply with Board's byelaws.

Planning Considerations

Principle of development

The site lies on land designated countryside as set out in South East Lincolnshire Local Plan (SELLP), 2019. It is approximately 530 metres north of the built-up area of Long Sutton within settlement boundaries. Irrespective of spatial strategy considerations, the principle of creating an annexe as ancillary development to a main dwelling is acceptable.

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 key material considerations are addressed below.

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; and 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 states 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.

The proposed annexe will measure approximately 4.60 metres in width, 7.10 metres in depth and 3.20 metres in apex height. The eaves will be nearly 2 metre high. The resulting footprint and height will be commensurate with the bungalow which is the main building of the curtilage.

Marley Rivendale Cromleigh Graphite tiles will be used for the roof. Fenestration will be made of white uPVC. Marley Cedral Lap Weatherboard finished in Black will be the external Cladding across

the external walls. The wall treatment is similar to the existing additions to the bungalow. The neighbouring storage shed has large timber panels which will be sympathetic to the proposed cladding. Overall, the external appearance of the proposed annexe will not detract from the existing materials in its setting and will relate well with the rural character of the wider area.

Internally, two doors will provide access to the living room. A bedroom, kitchen and shower room are the remainder of facilities within the annexe.

Sufficient facilities are provided within the annexe to constitute primary accommodation. However, the structure will be placed within the drive area of the domestic part of the curtilage. No independent vehicular access could be easily created. In addition to that, the gross internal floor space area of the annexe will amount to 29 sq. m. in contrast with the external floorspace of the dwelling in the region of 92.30 sq.m. Therefore, the scale of the proposed annexe is not excessive with the main dwelling and the form of development will be visually ancillary to the main residential building. On balance, it is considered that the proposed development home will be used as an annexe to the main dwelling.

A standard condition is recommended to add to the permission in order to restrict the future provision of an independent dwelling on the site. In case that the use ceased as an annexe without planning control, the condition would allow the Local Planning Authority to take enforcement action if required.

Flood risk

The site is within Flood Zone 3(a) and 'Danger for Most' flood hazard area as per Environment Agency's Flood Map and 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 following mitigation measures have been proposed for the mobile home:

"The finished floor level will be at least 300mm above the ground level.

The proposal will include extra flood resistance and resilience measures, this includes:

- Any water, electricity and gas meters will be located above predicted flood level.
- Non-return valves will be used in the drainage system to prevent back-flow of diluted sewage in situations where there is an identified risk of the foul sewer surcharging.
- All service entries will be sealed (e.g. with expanding foam or similar closed cell material).
- Closed cell insulation will be used for pipes which are below the predicted flood level.
- Boiler units and ancillary devices will be installed above predicted flood level.
- Wiring for telephone, TV, Internet and other services will be protected by suitable insulation to minimise damage.
- Building materials that are suitable for a 'water entry strategy' will be used which include: facing bricks, concrete blocks, sacrificial or easily removable external finishes or internal linings.
- All electrical sockets will be at least 700mm above maximum flood level."

Following South East Lincolnshire Strategic Flood Risk Assessment (March 2017), the predicted flood depths where the footprint of the mobile home range between 0.5 m and 1 m. The peak velocity will be between 0 and 0.3 m/s which is the lowest possible should flood defences be overtopped or breached.

On balance, the mitigation measures are considered appropriate given the non-permanent residential use of the proposed building and flood predictions including climate change allowance.

Residential amenity

The annexe will be oriented towards the drive area. It would not be straight opposite to the main elevation of the dwelling. From the rear elevation, it will be separated roughly between 2.62 and

2.18 metres with the northern boundary of the site. To the north, there is an agricultural field and no other residential property.

In light of the separation distances with the main dwelling and neighbouring features, it is considered that the proposed annexe will not create any harm upon residential amenity of other residents by reason of overlooking, overbearing and overshadowing effects.

In summary, the development complies with residential amenity which is one of the key principles of design and development management as set out in Policies 2 and 3 of SELLP (2019).

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.

The maximum required by these standards is 3 no spaces for dwellings with 4 or more bedrooms should be provided within the curtilage. Such number of cars can be easily accommodate within the drive area. In any case, it is stated in the supporting documents that the annexe occupier will not likely drive a private motor vehicle due to health conditions.

On balance, the development proposals ensure an acceptable provision of car parking in accordance with Appendix 6 of SELLP, 2019.

Conclusion

The design and layout of the proposed annexe is such that it will be used as an annexe ancillary to the main dwelling on the site. There are material constraints that will not allow to use the annexe as an independent dwelling. The amenity standards of residents nearby and car parking provision will be acceptable after carrying out the works as submitted. It is not anticipated that the proposed development exacerbates the predicted flood risk neither the lifetime of the structure nor the safety of the annexe occupier be at risk.

Taking into account the considerations above, the proposal is considered to comply with Policies 1, 2, 3, 4, 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019; and Paragraph 127 and 164 of the National Planning Policy Framework (NPPF), 2019.

It is accordingly recommended to approve this planning 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.