

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H14-0949-20 **Applicant:** A Leather
Proposal: Erection of detached self-contained annexe
Location: Warblers Nest Iron Bar Drove Spalding
Terminal Date: 30th December 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

Section 12 - Achieving well designed places

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
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking permission for the proposed erection of a detached self-contained annexe at the property of Warblers Nest, Iron Bar Drove, Spalding.

The annexe would be used for family members.

Site Description

The site is outside of defined settlement limits and the surrounding area is predominately rural, characterised by sporadic development. The proposal site is an area of grassed land in residential use under the ownership of Warblers Nest. Glebe Farm is situated to the north-west of the site, with Cuckoo Bridge Farm situated to the west.

The proposed annexe has a separation distance to the north-western boundary of 28 metres, to the north-eastern boundary of 2 metres, 19.5 metres to the dwelling to the south-west and 24.5 metres to the south-eastern boundary.

The proposed site is within Flood Zone 1 and is not subject to increased flood hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping.

History

No relevant planning history.

Consultation Responses

LCC - County Highways & SUDS Officer

No objections.

SHDC - Environmental Protection Officer

No objections.

Planning Considerations

Principle

The site is located outside a settlement boundary as defined in the South East Lincolnshire Local Plan (SELLP), 2019. For the purposes of the SELLP, the site lies within the countryside. However, irrespective of this, the principle of developing an annexe that is incidental to the use of the dwelling house 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.

Layout, Design, Size and Scale

The proposal is for a two bedroom annexe, with a shower room, kitchen and living room. The proposed annexe would be subordinate to and detached from the main dwelling at Warblers Nest, and will be situated to the east of the site. The curtilage of the property is large and more than adequate to accommodate an annexe of this scale.

The overall appearance of the annexe is a flat roof design with cedar lap cladding to the exterior walls. A flat roof design is not typically favoured, however the annexe will be set well back from the road and will be screened by the conifers to the front of the property.

Taking the above into account, the proposal is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2019 in terms of layout, design, size and scale.

Impacts upon Residential Amenity

In terms of amenity, there are few immediate neighbours other than the farm to the east and another to the north west. There is approx 1.8m high closeboard fencing between the site and the property to the east. It is considered that the amenity of nearby residents would not be materially harmed in terms of overlooking, lack of privacy, overbearing effect or overshadowing due to the single storey nature of the annexe and the proposed separation distance (4.8m at the closest point).

Taking the above into account, the proposal is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2019 in terms of residential amenity.

Parking Provision

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision. 2 no. car spaces must be provided within the curtilage for dwellings up to 3 no. bedrooms. The drive to the front is clearly sufficient to accommodate these cars and enter and egress in a safe and forward manner.

LCC Highways does not wish to restrict the grant of permission on highway safety grounds. Satisfactory parking has been provided.

Therefore, the proposals will ensure appropriate car parking provision and comply with Appendix 6 of SELLP 2019.

Planning Balance

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 proposed detached self-contained annexe will not materially harm the character or appearance of the locality or amenity of nearby residents. It is therefore considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

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

The recommendation is for a delegated approval.