DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0064-24**	**Applicant:**	**Mr & Mrs S Slinger**
Proposal:	Erection of annexe, initially to be used as garden room to be converted to annexe at a later date		
Location:	79a Bourne Road Spalding		
Terminal Date:	21st March 2024		

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 2023

Section 9 - Promoting sustainable transport
Section 12 - Achieving well designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Description of Proposal

The proposal seeks full planning permission for the creation of an annexe at 79a Bourne Road. The annexe would have a flexible use, doubling as an entertainment space and additional bedroom as needed.

The annexe would measure 12,365mm (width) by 6515mm (depth). It would feature a mono-pitch roof with a maximum height of 3360mm. The annexe would be constructed of materials to match the host, namely buff yellow brickwork with concrete roof tiling. The doors and windows would be dark brown UPVC.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South-East Lincolnshire Local Plan, 2019. The site is towards the west of the settlement, along the southern side of Bourne Road. Within the wider area, there is a mixture of property designs, with no clear distinctive design present.

The site features a large, detached dwelling with significant garden space to the rear. The use of dark yellow brick and brown fixtures is somewhat unique within the area. The dwelling benefits from a large, paved driveway with an incorporated double garage.

Relevant History

H16-0025-88 - Full. Erect dwelling and garage. Approved 10/02/88.

H16-0577-21 - Full. Extension & alterations to dwelling. Approved 15/07/21.

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:

Environmental Protection

No comments

Highway and Lead Local Flood Authority

"The proposal is for the erection of an annexe, initially to be used as garden room to be converted to annexe at a later date. The annexe will be set in the garden of the property and cannot be seen from the road. The parking and access remain unchanged and therefore will not have an adverse impact on the public highway"

Welland and Deepings Internal Drainage Board

"Thank you for your consultation on the above application.

I have held informal discussions with the agent and note that surface water is to discharge to soakaway and foul water is to be disposed of via the existing package treatment plant. If these proposals should change at any point in the future then I would wish to be reconsulted at that time.

The proposed annex being sited at a minimum distance of 4.5 metres from the rear boundary fence is agreeable with the Board in principle but requires the submission of an application for a relaxation of the Board's 9 metre byelaw distance prior to works commencing on site. These are currently free of charge to submit."

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, no letters of representation have been received.

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 (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, December 2023 (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 settlement of Spalding which is classed as a sub-regional centre within Policy 1. As such, typically development will be permitted that supports Spalding's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

The proposal in this instance comprises an annexe. By virtue of the proposed annexes scale and positioning in comparison to the host dwelling, it is considered that the proposal would be subservient. The annexe would be functionally and visibly tied to the house, ensuring it could not be treated as an independent dwelling, with conditions also ensuring this matter. The proposal is not tantamount to the creation of a new dwelling in an unfavourable location.

Therefore, the proposal is considered to be in accordance with Policy 1 of the SELLP and in any event, comprises development within the residential curtilage of an established dwelling that would remain incidental to the host dwelling. The principle of development on this site is considered acceptable subject to other material considerations being met.

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

Section 12 of the NPPF, "Achieving well-designed and beautiful 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.

Development proposals should also ensure that developments 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.

The proposed materials would match those present on the host dwelling, ensuring visual continuity. The proposed building would not be readily visible from the highway or street; therefore, the relative impact upon the character of the area would be limited and the propsoal would not be prominent in this regard.

While the proposed building is sizeable, it is considered that the proposed scale is well-proportioned to the host dwelling. The relative scale of the proposal is not considered to detract from the host visually. The scale, in comparison to the host dwelling, would ensure that the annexe is functionally and visually subservient.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with 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 potential for overlooking arising from this development is minimal given its nature and scale. All windows would face the garden of 79a Bourne Road, preventing views into neighbouring dwellings. Furthermore, the existing boundary treatments are significant, as to prevent any views into the adjoining gardens.

It is considered that the proposal would not lead to an unacceptable level of overshadowing. While the proposal is located in close proximity to the boundary with 75 Bourne Road, the potential for overshadowing is minimal and any resultant impact in this regard would not be significant as to warrent refusal in this case. The scale, although of a increased height, would only comprise a modest difference in height between the existing boundary treatments and the proposed annexe, reducing the potential significance of overshadowing. In addition, the vast majority of any potential overshadowing would fall upon the existing garage of 75 Bourne Road, reducing the potential effects. As such, it is considered the potential overshadowing is not unacceptable.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the 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 115 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 would be severe".

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.

The proposal would increase the number of bedrooms on the site from four to five. Therefore, in line with Appendix 6 and Policy 36 of the SELLP, no additional spaces are required. In any case, the sizeable parking space to the front of the dwelling could accommodate an additional vehicle without having a significant adverse impact upon highway safety.

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 and Drainage 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 168 of the NPPF states " 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 sequential approach is required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

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 site lies within Flood Zones 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 classed as a low risk of flooding.

The submitted flood risk assessment has recommended that finished floor levels be consistent with the host dwelling; being at approximately 200mm to 300mm above ground level. As the site is at a relatively low risk of flooding, this is considered appropriate, providing a degree of security without having an undue visual impact. As the proposal is an annexe, it is likely that in a flood event occupants would be able to seek refuge on the first floor of the host dwelling.

The proposal is located approximately 6 metres north of Welland and Deepings Drainage Board infrastructure. The Internal Drainage Board's Development Control Byelaws require a distance of 9 metres is maintained from any Board controlled drain. The relevant response from the Internal Drainage Board has stated that permission would be needed from them prior to the commencement of the works; however, they have no objections to the proposal.

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 represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole.

Conclusion

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 4, 33 and 36 of the SELLP, as well as Sections 9, 12 and 14 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

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

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.