

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0075-25 **Applicant:** Mrs K Cusack

Proposal: Proposed House & Garage, Removal of Existing Flat Roofed Building to Rear and New Re-Defined Rear Boundary

Location: Rear Of 76 Commercial Road Spalding

Terminal Date: 18th April 2025

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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
30	Pollution
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

National Guidance

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0

PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

The application seeks full planning permission for a dwelling with an integrated garage on the ground floor, following the proposed demolition of an existing building within the site. The proposal also seeks consent to subdivide the existing garden space within the site by re-defining the property boundaries. A car park area is proposed where the garden is currently located.

Site Description

76 Commercial Road is a terraced residential property, along a predominantly residential street within the centre of Spalding interspersed with some mixed uses.

The application site is the rear garden of 76 Commercial Road. Residential exists to the rear of the site. The site at the rear appears to be a reasonably large residential garden. The site has a rear access off Barge Close. Adjoining the access are three flats over garages immediately south of the application site.

There is an existing single storey building within the site which features a gable end roof form. There are wide garage doors on the front of this building

The site is mostly within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

Relevant Planning History

76 Commercial Road:

H16-1014-83: Conversion of shop to dwelling and use of workshops for car hire and repairs - approved 29 March 1984

Applications which relate to land within both the site and the wider area:

H16-1133-01: (Outline Application) Demolition of existing workshops and sheds to provide residential development - approved 13 November 2001

H16-0877-02: (Full Application) Proposed residential development to provide 14 semi-detached dwellings with associated car spaces and access road etc - approved 17 February 2003

H16-0727-03: (Full Application) Proposed garage block to serve residential development - approved 31 July 2003

H16-0879-03: (Full Application) Proposed garage block with flat accommodation over - approved 14 October 2003

H16-0313-05: (Outline Application) Erect one two-storey building comprising four one-bed self-contained flats - refused 15 April 2005 - appeal dismissed 16 January 2006

H16-0998-05: (Outline Application) Residential development - erect detached two-bed house and garage - approved 19 September 2005

H16-1650-07: (Full Application) Conversion of dwelling into 2 flats and 6 new affordable dwellings - refused 23 January 2008

H16-0975-08: (Reserved Matters) Proposed two-bed detached house and detached single garage (Outline H16/0998/05) - approved 05 November 2008

H16-0265-24: (Full Application) Removal of existing flat roofed building including new redefined rear boundary and erection of 3 houses with associated car parking - refused 24 October 2024

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on South Holland District Council's website.

South Holland Internal Drainage Board: I note that the applicant intends to dispose of surface water through the use of a Sustainable Drainage System (SuDS), however I cannot see that the applicant has yet provided a drainage strategy for the site within their application. We therefore recommend a drainage strategy is provided. Whilst unlikely as the Board is not aware of any ordinary watercourses within proximity to the site, should the applicant propose to discharge surface water to a watercourse, consent would be required under Byelaw 3. I note that the applicant intends to dispose of foul water to a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under 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. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and Byelaw 4). There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Lincolnshire County Council - Highways and SUDS: Additional information is required. The proposed parking seems low for the host dwelling and the proposed. How many bedrooms does the host dwelling have? A minimum of 2 parking spaces is required for a 3-bedroom house.

Historic Environment Officer: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Environment Agency: No objections subject to conditions. The local planning authority should assess whether the development passes the sequential test and part a of the exceptions test.

Cllr R A Gibson: No response received.

Cllr G P Scalese: No response received.

Ecology Officer: No response received.

Environmental Protection: No response received.

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

Development Plan

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, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Principle of Development;
- Design and Visual Impact;
- Impact on Amenity;
- Highway Safety and Parking;
- Biodiversity; and
- Flood Risk.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan 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 development limits of Spalding, which is a Sub-Regional Centre. As such, the principle of the proposed residential development is therefore acceptable, as Spalding comprises the most sustainable location within the district. This is however subject to a consideration as to whether the proposed development accords with the development plan and national policy in terms of other material considerations.

Design and Visual Impact

Paragraph 135 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.

Policy 2 of the Local Plan 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.

Policy 3 of the Local Plan 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.

Proposals for new development therefore require the above-mentioned considerations to be adequately assessed. The proposed siting, design and scale of developments need to be respectful of surrounding development to ensure that the character of an area is not compromised.

The proposed development is for a 2.5 storey detached dwelling and a side garden. The dwelling is proposed to be located to the south-east of 74-78 Commercial Road, and to the north-west of 24 Barge Close. A car parking area is also proposed on land where the rear garden of 76 Commercial Road is currently located.

76 Commercial Road is located to the west of the site and fronts Commercial Road. A range of semi-detached and detached properties are located on Commercial Road. 74 to 78 Commercial Road are semi-detached two storey dwellings with gable end roof forms.

The site is proposed to be accessed from Barge Close, which runs from Commercial Road to the north of the site. Barge Close features a range of dwellings which generally feature two storeys and are arranged in various forms including semi-detached dwellings and terraces of three to five dwellings. 24 Barge Close is the nearest dwelling to the application site. No. 24 comprises a detached dwelling with living accommodation on the first floor and garages on the ground floor. The building features a gable end roof form.

The proposed dwelling measures approximately 9.7m from the ground level up to the ridgeline. The application is not accompanied by accurately scaled street scene plans, however, submitted plan J188-PL 12 shows a 3D visualisation of the dwelling within the street scene. As accurately scaled street scene plans have not been submitted, a review of the plans from previous applications within the site and surrounding area have been reviewed to determine the height of the surrounding dwellings to compare with the proposed dwelling. These applications are summarised within the planning history section of this report. For example, the neighbouring dwelling 24 Barge Close measures approximately 7.2m in height, according to the plans from permission H16-0879-03. The frontage dwellings along Commercial Road measure approximately 6.5m in height according to the plans from permission H16-1650-07. The dwelling would be visible from Commercial Road as there is a gap in the built form along the street scene. Given the height and scale of the proposed dwelling, it is considered that the dwelling would be overly dominant within the area and would represent an incongruent form of development.

The site is a backland site which is surrounded by dwellings and their associate gardens. Whilst there is no strict uniformity in terms of the plot layouts of the surrounding dwellings, it is considered that the proposed layout would result in an overly cramped form of development.

The proposed external materials include dark smooth render and vertical timber cladding, which according to the submitted information would be 'oak in appearance'. This is proposed on the upper floors. Red or orange facing brickwork is proposed at the ground floor level. Dark grey 'slate appearance' tiles are proposed on the roof, in addition to grey uPVC doors and windows and black uPVC rainwater goods. The surrounding dwellings mostly feature brickwork with some examples of rendered facades in the area. The proposed timber cladding would be out of keeping with the surrounding material palette and it is not considered that there is a design justification for the proposed cladding in this case. The proposed cladding is typically seen on more rural buildings and it is not considered to be appropriate in this case given the material palette of the surrounding dwellings. Furthermore, due to the scale and positioning of the dwelling, the proposed materials would add to the incongruent nature of the proposals as the dwelling would be visible from the street scene on Commercial Road.

It is recognised that one dwelling was granted planning permission previously in 2005 (H16-0998-05), with reserved matters approved 3 years later in 2008 (H16-0975-08). There is however no evidence that this permission was started and instead a rear garage exists within the rear garden. This building is in keeping with the scale of the garden size. It is noted that the previous permissions predate both the NPPF and the current development plan. Therefore, whilst it is accepted that residential development of a smaller scale was permitted in the past, the policy circumstances and the increased emphasis on high quality design are such that there is now a material difference in policy terms. Furthermore, the dwelling that is proposed under the current application is taller and the bulk and scale of the dwelling is larger than the dwelling that was approved in 2008.

The proposed development represents overdevelopment in a backland location which is considered to adversely affect the character and appearance of the area. Due to the proposed size, bulk,

height, and design of the proposed development, the proposal represents a cramped form of development. The development would therefore adversely affect the character of the area and nearby residential dwellings by creating visual intrusion, overdevelopment and removing the existing amenity space.

It is considered that the proposed development would cause an adverse impact on the character and appearance of the area due to the proposed design scale and nature of the development. The proposed development would therefore not accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF, particularly Paragraph 135.

Impact on 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 the Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed dwelling would provide sufficient internal living space as the proposal accords with the nationally described space standard. Garden space is also proposed at the side of the dwelling. The proposed garden space is set on lower ground than the dwellings on Commercial Road, which could contribute to a sense of future occupants being overlooked within the garden space. However, the separation distances between the rear elevations of the dwellings on Commercial Road and the proposed side garden are considered to be sufficient to prevent an unacceptable degree of overlooking.

As stated above, the scale of the proposals represents an overdevelopment of the site. The development would result in visual intrusion and the loss of outlook to nearby residential occupiers, adversely affecting the amenity of neighbouring properties. The proposal is out of character and out of keeping with the locality. The proposed dwelling would dominate the existing rear garden and would replace the existing landscaping with hard surfacing. This would harm the amenity of 76 Commercial Road through the loss of garden space, as the remaining garden would be very small.

There are no windows on the side elevation of 24 Barge Close. As such, the proposed dwelling would not block access to daylight in this elevation. A small window is proposed on the north-western side elevation. This window is connected to a landing area and as such this should not result in a significant degree of overlooking with dwellings to the west as this is not a habitable room.

The proposed dwelling would not face directly onto the elevations of No.80 Commercial Road, to the north of the site. The proposed dwelling would face onto a single storey garage building which is located in front of No.80. This should not result in an unacceptable degree of overlooking as the garage does not feature any side windows and is not a habitable building.

The rear elevation of the proposed dwelling would face onto a shared car park area, beyond which is a single storey bungalow, 30 Linden Court, and Linden Court community centre. There would be approximately 15m between the proposed rear elevation of the dwelling, and the nearest elevation of 30 Linden Court. There is some screening between the sites in the form of a boundary wall and timber fencing. It is likely that the window on the rear elevation of the dwelling where the landing is located would look onto 30 Linden Court. However, as this is not a frequently habitable room, this should not result in an unacceptable degree of overlooking.

Overall, the proposed development would not accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan due to the harmful impact of the development on the amenity of future occupants of the dwelling and neighbouring properties due to the loss of garden space and the overbearing impact of the dwelling.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out 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, following mitigation.

Policy 2 of the Local Plan sets out 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 Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards.

Vehicular access is proposed to be taken from Barge Close. Internal parking spaces are proposed on the ground floor of the dwelling within an integrated garage. Lincolnshire County Council's highways team have requested further information to demonstrate that at least two parking spaces are proposed for the dwelling. It is however considered that there is sufficient room for two parking spaces within the proposed integrated garage.

Three parking spaces are proposed for 76 Commercial Road within the external car parking area to the north-west of the proposed dwelling. As set out previously, to accommodate these parking spaces most of the rear garden would be lost which is considered to have a negative amenity and visual impact.

The proposal would therefore have an acceptable impact in terms of highway safety and as such, the proposal would accord with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF. The proposed parking arrangements would however negatively affect the amenity of the surrounding dwellings.

Biodiversity

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 187 and 192 set out that sites of biodiversity value should be protected. Paragraph 187(d) for instance sets out that planning decisions should provide net gains for biodiversity.

Policies 28 and 31 of the Local Plan ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place. Policy 28 also requires proposals to provide a net gain in biodiversity.

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) introduced the requirement for applications to establish a 10% Biodiversity Net Gain (BNG), demonstrated through standard units.

The application is accompanied by a biodiversity net gain (BNG) exemption statement. The applicant considers that the proposed development is a small scale self-build / custom build dwelling. These types of dwellings are exempt from BNG. The local planning authority (LPA) agrees that the proposal could be categorised as a self-build / custom dwelling. The LPA generally requires s106 agreements or unilateral undertaking agreements to be prepared prior to determination for self-build / custom build dwellings to ensure developments are built and retained as self-build development.

Policy 28 seeks to ensure that development proposals provide a high quality, comprehensive ecological network of interconnected wildlife friendly greenspace. The policy seeks to ensure that development proposals provide an overall net gain in biodiversity by protecting the biodiversity value of land, minimising the fragmentation of habitats, and incorporating beneficially biodiversity conservation features on buildings, green infrastructure and ecological corridors. Most of the rear garden of 76 Commercial Road is proposed to be replaced with paving to provide parking spaces. This would result in the loss of a grassed area which would be replaced with hardstanding. Therefore, whilst the proposal is exempt from the requirement to provide BNG, the proposed development would result in the loss of green infrastructure. Notwithstanding this, a side garden is proposed for the proposed dwelling and two trees are proposed. Overall, the proposed development is acceptable in terms of biodiversity and would therefore accord with Policies 28 and 31 of the Local Plan and Section 15 of the NPPF.

Flood Risk

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

The site is within Flood Zone 3, as identified within the Environment Agency's flood risk maps. Policy 4 of the Local Plan sets out that development within Flood Zones 2 and 3 will be permitted in instances where specific criteria is met.

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. The site is within an area which is has a hazard rating of 'Low' according to the SFRA. No specific mitigation is recommended for the proposed form of development based on the Standing Advice Matrix within the SFRA.

According to the SFRA, the site is within the 'Danger to All' and 'Danger to Most' hazard areas. The SFRA recommends specific mitigation for residential development within these areas and also recommends that the Environment Agency is consulted. The Environment Agency has set out within their consultation response that they have no objections to the proposals subject to compliance conditions.

The proposed development is classed as a 'more vulnerable' use, according to Annex 3 of the NPPF. The proposed development is therefore required to pass the sequential and exception tests. The application is accompanied by a Flood Risk Assessment (FRA), and sections 2.4 and 4.6 of the FRA set out how it is considered that the development passes the sequential and exception tests.

Paragraph 8.3.6 of the SFRA sets out that the search area for the sequential test should be the whole of the council area unless the functional requirements of the development justify a reduced search area. The submitted FRA sets out a table which summarises sites that were considered in the South East Lincolnshire Strategic Housing Land Availability Assessment. The table summarises why the sites are not sequentially preferable. No evidence of searches of available land on estate agents website has been provided. Notwithstanding this, it is recognised that the vast majority of the council area is within Flood Zone 3 and there are limited opportunities for new housing within lower risk flood areas. The site is within the settlement limits of Spalding which is the most sustainable location for development and it is therefore considered that the sequential test is passed.

In terms of the exceptions test, Paragraph 178 of the NPPF requires the following to be demonstrated:

- "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."

In terms of part a, 'wider sustainability benefits' can encompass a wide range of factors. Planning Practice Guidance sets out the LPAs should set their own criteria for this assessment. The guidance does however provide some examples of benefits such as the re-use of brown field land, an overall reduction in flood risk, and the provision of sustainable drainage systems. The proposed development would partly re-use brownfield land as the garage within the site would be demolished and built upon. The development would however also include the development of greenfield land where the rear garden is currently located. The submitted application form sets out that the intended surface water drainage strategy is a sustainable drainage system. The specific drainage strategy is not identified, however, due to the cramped layout, it is considered unlikely that soakaways for instance could be accommodated as soakaways need to be 2.5m from any boundary and 5m from any building. Furthermore, limited green infrastructure is proposed as the site layout shows that most of the site would be covered in paving. This is however likely to be permeable paving which is a form of sustainable drainage. It is therefore considered that part a of the test is addressed.

Ground levels range from 4.2m AOD at the north-western boundary to 3.8m AOD at the south-eastern boundary. The Environment Agency has recommended a condition to ensure that habitable accommodation should be no lower than 5.6m AOD to provide a freeboard above the maximum flood level in the event of a breach of flood defences. This would be achievable as the submitted

plans show only garages on the ground floor. In the event of a breach or overtopping of flood defences there would be a significant hazard at the site and along Barge Close including flood depths between 1m and 2m, therefore, safe access and egress will not be possible during a breach event. Given that the proposal has removed habitable accommodation from the ground floor it is considered that the proposal does not conflict with Policy 4 of the Local Plan. With the inclusion of the conditions that have been recommended by the Environment Agency, it is considered that the development would be safe for its lifetime and as such the proposed development addresses part b of the exceptions test.

It is considered that given the proposed mitigation measures which can be secured by conditions, the proposed development would accord with Policies 2, 3 and 4 of the Local Plan and the intentions of the NPPF in terms of managing flood risks.

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 proposals are in a sustainable location which represents appropriate development within the defined settlement boundary. This weighs in favour of the proposal. The proposed development in this instance would provide one dwelling, providing a very minor contribution to the supply of homes within the district and more specifically, Spalding. This is a minor contribution and is afforded little weight. The proposed development would provide a minor economic benefit in terms of providing employment during the construction phase of the development. Similarly, this is afforded little weight. The local planning authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment (6.4 years as of 31 March 2024). Therefore, full weight can be attributed to the policies in the South East Lincolnshire Local Plan 2019.

Whilst there is no strict uniformity in terms of the surrounding plot layouts, the proposed development would result in a cramped form of development. The proposed development would materially harm the character and appearance of the locality and the amenity of nearby residents as it represents an overdevelopment of the site. Due to the proposed scale and appearance of the dwelling, the development would represent an incongruent form of development that would be out of keeping with the character and appearance of the area. The proposed development of the existing rear garden within the site would have a negative impact on the amenity of 76 Commercial Road, by leaving only a very small garden that would be insufficient. These matters weigh against the proposal in the planning balance. The proposals therefore do not conform with the Local Plan and the provisions of the NPPF when viewed as a whole.

In this instance, there are material considerations that weigh against the proposal and as such, the planning balance is in favour of refusal in this instance.

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 the above considerations into account, the proposal would conflict with Policies 2 and 3 of the Local Plan and sections 11 and 12 of the NPPF. The cramped layout and unacceptable amenity impact weighs heavily against the minor benefits of providing one dwelling.

Recommendation

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