

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0168-23 **Applicant:** Mr D Izzard

Proposal: Detached Annexe (relocation due to Anglian Water Sewer) - re-submission of H16-0782-22

Location: Dunrobin 1 Swindlers Drove Spalding

Terminal Date: 28th April 2023

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

National Guidance

National Planning Policy Framework 2021

Section 12- Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full application, seeking permission for a proposed detached annexe on the property of Dunrobin, 1 Swindler's Drove, Spalding.

This application is a resubmission of H16-0782-22. The dimensions and appearance of the proposal are consistent with the previously application, however, the annexe has been moved 3 metres to the west. This has been as the previous location was over a sewer which could not be built over. The

concerns with location were raised after the approval of H16-0782-22.

The proposed annexe would measure approximately 8300mm (width) by 11400mm (depth) by 5300mm (height to roof peak). The height to eaves will measure 3000mm. It has a dual pitched roof, with solar panels on the south-facing slope.

The annexe would comprise of a single storey, with two bedrooms, one wet room and an open plan kitchen, dining and living space. There will also be a raised patio area, with steps and a wheelchair access slope to the front elevation. The external materials include facing brickwork, concrete roof tiles and white UPVC fenestration to match the existing host property.

Site Description

The site is situated within the countryside, according to Policy 1 in the South-East Lincolnshire Local Plan, 2019 (SELLP). The property is situated to the east of the Low Fulney Estate, along Swindler's Drove, which is characterised by low density frontage development of a variety of ages and design. There are open fields situated to the east of Swindler's Drove.

The property in question sits on a very spacious plot, with a large rear and front garden with gated access to the property. There is a detached dwelling and a detached garage on the site.

Relevant History

H16-0782-22 - Full. Detached Annexe. Approved 07/09/22.

H16-1169-98 - Full. Demolition of flat roof extension, rebuild extension and alterations. Approved 05/01/99.

Consultation Responses

Internal Drainage Board

No objection. Letter informing officer and applicant of the potential byelaws that may be affected in future, although currently, there are no causes for concern.

Planning Considerations

Principle of development

The site is outside of any settlement boundary and is therefore considered to be in the countryside in planning policy terms, as per Policy 1 in the SELLP. The principle of an annexe in the countryside is acceptable provided it is ancillary / incidental to the enjoyment of the existing dwelling. The proposal conforms to this, and as such, the principle of development is acceptable.

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area. That they are visually attractive, as a result of good architecture, and are sympathetic to local character. 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 materials, design and bulk of the annexe will remain consistent with the scheme approved under H16-0782-22. All materials will match the existing property, making the development appear blended with the host and ensuring visual amenity will not be undermined.

The proposed annexe is set 3 metres west from the scheme approved under H16-0782-22, meaning there will now be a separation distance of 10.15 metres from the garage, as opposed to the approved 7.15 metre distance. This alteration will have no significant impact upon the development.

Site levels will be raised above ground levels. As the unit will be wholly inside a residential curtilage and will not be visible from the road or adjacent properties, the potential conflict with the character

of the area will be minimal.

The proposed annexe accords to Policies 2 and 3 of the SELLP and the Section 12 of the NPPF in terms of layout, design and scale.

Impacts Upon Resident Amenity

Paragraph 130 of NPPF, amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The proposed windows and doors to the south elevation would be 5.86 metres from the side elevation of the original dwelling and would overlook onto the garden of the host dwelling. This is not considered to have a detrimental impact to residential amenity, due to the annexe being ancillary to the host dwelling and sharing the external garden space.

The dwelling to the north is over 20 metres away. The annexe would not have a detrimental impact in terms of overlooking or overshadowing this property by virtue of the distance and the annexe's single storey nature.

As the unit will be wholly inside a residential curtilage and will be tied to the host property, the potential for overlooking caused by raised site levels is minimal. There is significant distance between the annexe and the host to prevent any overshadowing caused by the raised floor levels.

Taking the above into account, the proposed detached annexe is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity.

Flood Risk

The application site is situated in Flood Zone 3 according to the Environment Agency Flood Map for Planning. Therefore, the proposed annex would be situated in a high flood risk area. The South-East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) indicates that flood depths on the site could be up to 1m for the 0.1% Fluvial / 0.5% Tidal Event. The SFRA also states that the site is within a "danger for most" hazard zone. The SFRA Standing Advice states: "Finished floor levels (FFL) must be set a minimum of 1m above existing ground level, with flood resilient construction to a height of 300mm above the predicted flood depth."

The submitted site-specific Flood Risk Assessment (FRA) shows that, due to the geography area, the maximum flood height is actually 0.5 metres as opposed to the 1 metre shown in the SFRA. Therefore, the FRA recommends that floor levels are set at a minimum level of 3.45m AOD, which is approximately 0.56m above ground level where the annexe would be sited.

Ordinarily, a proposal in this location would have to have floor levels raised to 1 metre above ground level. However, as this is a resubmission of an approved scheme, with the floor levels remaining consistent between submissions, and the fact that it has been demonstrated that maximum flood depth is unlikely to top 0.5 metres, an exception can be made.

The proposed mitigation measures are therefore considered acceptable. The proposal is considered to satisfactorily accord with Policies 2, 3 and 4 of the SELLP.

Parking provision

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision. The proposed annexe would bring the total bedrooms from 2 to 4, meaning an additional parking space will be required. In total this means 3 parking spaces will be required within the curtilage of the property.

The drive to the front is sufficient to accommodate 2 cars, with a detached double garage also present to take the parking allocation up to 4 spaces.

Therefore, the existing parking provision complies with Policy 36 and Appendix 6 in the SELLP.

Planning Balance

The principle of an annexe that is incidental to the enjoyment of a dwelling is acceptable. The proposed annexe will not materially harm the character or appearance of the locality or amenity of nearby residents. The flood mitigation measures proposed are appropriate.

This application was a resubmission of a previously approved scheme, with the only difference being an alteration of placement by 3 metres. This change is not significant enough to warrant refusing the application purely on this change.

The raised floor levels will have no impact on residential amenity by virtue of the annexe being tied to the host dwelling and due to the distance between the host dwelling and the annexe.

On balance, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits of doing so. The planning balance therefore is in favour of the proposal.

Conclusion

The recommendation is for delegated approval.

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.