DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0191-24**	**Applicant:**	**Mr P Turnell**
Proposal:	Extension & Alterations to Dwelling to include Annexe		
Location:	Pax Veteres Holbeach Road Spalding		
Terminal Date:	17th May 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
33	Delivering a More Sustainable Transport Network
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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

The proposal seeks full planning permission for extensions and alterations to Pax Veteres, Holbeach Road. These extensions go beyond what would be expected under a Householder Application, and so a Full Application has been submitted instead.

The works would result in a significant increase to the size of the dwelling, bringing the floor space available from approximately 175sqm to approximately 1100sqm. The new property would have a maximum width of 44 metres and a maximum depth of 40sqm. Only a small portion of the original dwelling would be incorporated into the proposal, and of these assets, not a single complete wall would be maintained. As such, it is considered that the proposal represents the construction of a new, replacement dwelling. This new dwelling can be divided into a northern and southern portion.

The northern portion of the dwelling would be single storey, comprised of three bedrooms, three bathrooms, a dressing room and a snug. This would have a floor space of approximately 189sqm, rising to approximately 270sqm when the kitchen space is incorporated. This space would benefit from its own entrance. The entryway connects onto a kitchen/ diner/ lounge. Part of this kitchen space represents the only reuse of space from the original dwelling. This northern wing is connected to the host via a utility room.

The southern portion of the host would be entirely new. The new wing would be primarily two-storey's, with a ridge height of approximately 9 metres. The ground floor would feature a substantial kitchen/ living space, a large orangery, garage and entrance hall. The total floor space on the ground floor (excluding the linking utility room) would be approximately 550sqm. The first floor, located above the living space, would feature four bedrooms, bathrooms and a study. The total floor space on the first floor would be approximately 350sqm.

The additions would be constructed of Funton Second Hard Shock brickwork, a yellow brick in sharp contrast to the grey cladding mentioned in the plans. Roof tiles would be Russell Grampian Concrete Roof Tiles, although the colour has not been specified. Doors would be grey aluminium. The windows would be cream UPVC, while the fascia and soffits would be white UPVC. Guttering would be black UPVC.

Site Description

The site is located outside of any of the settlement boundaries outlined within the South-East Lincolnshire Local Plan, 2019, being sited approximately 450 metres east of Spalding. The dwelling is located 75 metres east of the Holbeach Roundabout, along Holbeach Road. To the south is agricultural fields while to the west is an area of tree planting. More commercial uses are located to the north and east (including a hotel, a McDonalds and a petrol station).

Relevant History

H16-0743-17 - Full. Change of use from residential dwelling to C1 for use as a hotel and spa (retrospective). Approved 16/10/17.

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:

South Holland Internal Drainage Board

"Byelaw 3 (Surface Water)
The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. A surface water development contribution is likely to be payable as a condition of any consent granted under Byelaw 3 in line with the WMA's Development

Control Charges and Fees.
Byelaw 3 (Treated Foul Water)
I note that the applicant intends to treat foul waste using a package treatment plant, however I cannot see that the applicant has indicated how they intend to dispose of treated foul water from this development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3.
Section 23, Land Drainage Act 1991
I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the southern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).
Byelaw 10
There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply."

Highway and Lead Local Flood Authority

Requests that parking and turning is demonstrated on a further site plan

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, 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 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

As stated above, the significant increase in floor space, coupled with the lack of retention of original assets, far exceeds what would be expected under an extension. As such, the proposal is considered as a replacement dwelling.

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 lies outside of the defined settlement boundaries as defined by Policy 1 and is therefore considered, in policy terms, to lie within the open countryside. Development within the countryside is restricted, under Policy 1 of the SELLP to that which "is necessary to such a location and/or where it

can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits". Independent dwellings within the open countryside, which do not meet a specific housing need as illustrated within the supporting context of Policy 1, would therefore typically be resisted in principle and be at conflict with Policy 1. Notwithstanding this, the application is for a replacement dwelling with no overall increase in the number of dwellings on site, or within its countryside location, ensuring a net increase in units would not be created in an unsustainable location.

With regards to the replacement of dwellings in the open countryside, Policy 1 is supported by Policy 22 of the SELLP. Policy 22 sets out instances and criteria where replacement dwellings within the open countryside could be acceptable. This policy expresses that "proposals for the erection of replacement dwellings outside defined settlement boundaries will be permitted provided that" the criteria detailed is met. In response to the criteria, the following is observed:

1.The residential use of the building has not been abandoned, and as of the time of the application, the property is still occupied.
2.The original building is permanent
3.The original dwelling is not of architectural merit. It is a fairly typical bungalow, with comparable examples throughout the District.
4.The proposed replacement building is not of a high architectural standard. The development would be an architectural anomaly in its setting, being significantly larger than vast majority of properties in the area. The use of contrasting materials to that which is present currently further damages the aesthetic value of the property.
5.While the replacement dwelling incorporates a portion of the existing dwelling, the significant scale increase would cover a far greater area of land. As such, this would result in a positioning which is not reminiscent of the host.
6.The proposal represents an approximate 600% increase in scale, far outstripping the 40% stipulated in this policy. The proposal has not demonstrates exceptional quality or innovation in its design and as such, is considered to be contrary to Policy 22.

As such, the proposal is considered to be contrary to Policy 22. The increase in scale far exceeds what would be expected by a replacement dwelling.

The proposal is considered contrary to Policy 22, due to the significant increase in floor space resulting in the creation of anomalous development. Therefore, the principle of the development is considered unacceptable.

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. Developments 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, 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 proposal would result in the size of the house increasing by approximately 600%. As such, the proposed works would appear unduly dominant and create an overly large development. Given the plot size that the property sits within, the result would be an unduly cramped development, which fails to respond to its setting. As the proposal is within such a prominent area, which sees some of the heaviest traffic flows in the district, the character impacts of the proposal would be greatly exacerbated.

Paragraph 53 of the National Design Guide states that "Well-designed new development is influenced by: an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents; the characteristics of the existing built form". Paragraph 56 adds to this by saying "Well-designed places contribute to local distinctiveness. This may include: adopting typical building forms, composition, articulation, proportions, features, materials, details, patterns and colours of an area". Due to the significant scale of the proposed works, it is considered that the proposal fails to respect the character of the area and as such fails to adhere to Paragraphs 53 and 56 of the National Design Guide.

The materials proposed for the development (listed above) show little respect for one another and would result in a discordant development without a clear identity. Paragraph 57 of the National Design Guide states that "In well-designed buildings, the materials and details suit the design concept and they are consistently followed through the construction process to completion." It is considered that the proposal fails to follow this guidance.

Paragraph 139 of the NPPF states that "development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design". As has been detailed above, it is considered that the proposal fails to reflect the aims of the National Design Guide. As such, it is considered that the proposal is contrary to Paragraph 139 of the NPPF.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be unacceptable. The proposal would cause an adverse impact to the character or appearance of the area and would therefore be in contrary to 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 proposal is located a significant distance from any neighbouring property. As such, the potential amenity impacts are limited. The windows proposed would face onto non-domestic land, preventing overlooking. At the distances present, no additional overshadowing would occur.

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.

In line with Policy 36, the increase in bedrooms would result in an increased need for parking. That being said, ample space would be provided on site to accommodate at least four vehicles.

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 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 Zone 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 danger for most, with a hazard depth of up to one metre.

While the proposal is in a high flood risk area, the proposal would not increase the number of ground floor bedrooms. The proposed first floor element could be used as a safe haven in the event of a flood. Therefore, to a certain extent, the proposal would represent a betterment in terms of flood risk on site.

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.

Annexe

The application stated that the works would include the creation of an annexe. No annexe was clearly defined within the submitted plans; however, within the submitted flood risk assessment, reference is paid to a two-storey extension. On this basis, the proposed two-storey, southern wing of the house would represent the proposed annexe.

In order for the works to be considered as an annexe, as opposed to an independent dwelling or other form of development, the proposal must be subservient to the host, both visually and functionally. Assessing the proposal on this basis, the following is considered.

The proposal would represent a four-bedroom development, with a total floor space (across two floors) of approximately 900sqm. This is over triple the floor space within the three-bedroom northern wing. As such, the proposed annexe would represent the bulk of the dwelling's floor space and cannot be considered subservient.

While there is a linkway between the two portions of the house, each wing can be accessed via different entrances. The two wings of the house also have entirely separate living spaces and kitchens. The two wings of the house could, therefore, function entirely separate from one another. This further reinforces the lack of subservience.

While the submitted information indicates that the proposed larger southern wing would be considered as the annexe, for the sake of completion, assessing the principle of an annexe for the northern wing of the house, the following is considered. The northern portion of the dwelling would also not be considered ancillary if the functional positions were reversed. The northern portion has three-bedrooms, its own entrance and its own kitchen. As such, it could reasonably function entirely distinctively from the host (in this instance referring to the southern section). Furthermore, the scale of this proposed northern portion, at a floor space of up to 270sqm, far exceeds what would be expected for an annexe. With a floor space of 270sqm, this section would be double the size of a six bedroom dwelling under the National Space Standards (which for a six bedroom, eight person, one storey dwelling must have a minimum floor space of 125sqm), and as such it is considered excessively large for an annexe.

As such, it is considered that the proposed development does not represent an annexe in either configuration. Due to the significant lack of subservience demonstrated, it is considered that the proposal would either represent a single large dwelling (the assessment of which has been undertaken above) or a pair of semi-detached dwellings. The former has been considered as the basis for this evaluation as it would appear to be the most reasonable approach. That being said, the latter option would be contrary to Policy 1 of the SELLP, representing development within the countryside, and would therefore be resisted if this was the case.

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.

It is considered that the proposal represents an excessively large form of development, significantly at odds with the character of the area. The increase in floor space, estimated here to be of approximately 600%, far exceeds the criteria outlined within the SELLP, resulting in an unduly dominant and incongruous development.

Conclusion

The proposal is considered to be contrary to Policies 1, 2, 3, and 22 of the SELLP, as well as Section 12 of the NPPF. The planning balance is against the proposal.

The recommendation, for the above reasons, is for a delegated refusal.

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.