DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0206-20**	**Applicant:**	**Mrs P Selves**
Proposal:	Conversion of existing dwelling/outbuilding into 3 self contained units		
Location:	15 Double Street Spalding		
Terminal Date:	27th May 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
11	Distribution of New Housing
17	Providing a Mix of Housing
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 12 and 16 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This full planning application is for the creation of 3 self contained residential units by means of converting the extant single main property into 2 self contained units, in addition to restoration and conversion of the extant outbuilding into a single self-contained residential unit.

Site Description

The proposal site is a semi detached Victorian-era property. To the rear of the property is a derelict outbuilding which looks to have originally been used as a barn, but does show historic signs of having been later used as a domestic/residential space. Further to the rear is a mid-C20th corrugated steel barn building.

The proposal site sits within the Spalding Conservation Area (SCA), along Double Street which does form a part of the riverfront portion of the Area. However, the property itself is somewhat unremarkable, although the brick outbuilding does show some common, but nevertheless vernacular in style features of a late C19th barn building.

The area immediately surrounding the proposal site is not a particularly remarkable portion of the SCA, with a heavy focus of very similar Victorian properties and some modern residential development, the plot backs out onto the car park of the large, Westlode Street retail park. However, along double street, there is also a high density of listed structures, specifically surrounding the proposal site. A number of Grade II listed properties exist on the opposite side of the road and to the West of the property. Additionally, the locally prominent, Grade II* Listed Number 13 (The Sycamores) and Number 12 (The Limes) are both within close visual proximity to the west.

History

H16-0229-93

Conversion of shop to residential. Approved on 26-04-93

Consultation Responses

Lincolnshire County Council as Lead Local Highways and Flood Authority

Recognises that this is a proposal for a car-less development, but as this is a town centre location with ease of access to shops, places of work and transport options, it is not felt that there is a need to raise any objections in this case.

Environmental Protection Officer

No Objections

Planning Considerations

Principle of development and character of area

The Council supports the provision of residential development however this proposal would have a greater impact on the area, which is given greater weight, in this instance. The proposed conversion of the main proprty (number 15 itself) into 2 self contained flats is viewed favourably, although the Submitted Flood Risk Assessment indicates that whilst ground floor residential space in this portion of Flood Zone 3, the floor level of the ground floor element should be raised, which is not a proposal included in this application. However, of greater concern in this application is the proposed conversion of the existing rear structure into This is discussed below.

Paragraph 70 of the NPPF 2019 sets out that;

"Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery

rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."

The Council has recently published an up to date (as at 25 August 2020) housing land supply of 9.1 year supply under the Liverpool method.

The SELLP does not contain a policy that specifically precludes the development of domestic gardens, and each application is considered on its merits and in the light of national and local policies. Recent decisions have been made within Spalding for single dwelling infill developments, however the circumstances differ and each application is to be considered on its merits.

No.15 is a semi-detached residential property on the northern side of Double Street, and has a linear domestic garden, which is also a feature of the dwellings to the west and east. In both directions from the site are a number of dwellings facing double street, with street frontages.

The site sits behind the existing property at number 15. As a consequence, the proposal would introduce an independent dwelling within the backland area between the properties to the South and the retail park as well as rear of Westlode Street Properties to the North, which, with the exception of small, ancillary domestic buildings (inclusive of this proposal site), is currently free from built back land or tandem residential form. This would be in marked contrast with the existing pattern of development.

In addition, the lack of street frontage that the dwelling would have, being largely screened from the public realm by the existing dwelling, would be out of character and incongruous with the form of the existing residential development in the Double Street portion of the Conservation Area.

It is considered that this proposal, by introducing a new, self contained dwelling into a backland setting, would be out of character with the prevailing form of development in this part of The Conservation Area, by reason of its location. It is therefore considered that the development would be contrary to Policies 2, 3 and 29 of the SELLP and the provisions of the NPPF 2019.

Heritage Impact

The Local Planning Authority considers there to be a risk presented to the overall character of this portion of the Conservation Area. The SCA is not generally characterised by an abundance of backland development and as such to introduce an independent dwelling into this setting would be inappropriate and at odds with the general character of development in the area.

Whilst the proposal does not endeavour to make any amendments to the design of either structure, it could be argued that conversion of the brick outbuilding would rescue it from further dereliction. However, as this structure holds only modest historic and aesthetic value of little contribution to the SCA, it does not appear that renovation is imperative at any cost, and it is felt that the impact of setting a precedent for backland development in the SCA would be damaging to a degree which far outweighs the limited benefits of renovation of the brick outbuilding. For these reasons it cannot be concluded that this application helps to either conserve or enhance the historic environment as per the requirement of Section 16 of the National Planning Policy Framework (2019)

Design and Layout

No amendments are proposed to the design of either structure and the proposed layout would be considered to be appropriate for the proposed use as 3 self contained residential units.

Residential Amenity

As the proposals include no creation of new structures or new window openings, it cannot be stated that this application presents any risk of overlooking to any existing properties, nor does it present any risk of introducing further overshadowing.

Impact on neighbouring sites.

As stated above, this proposal does not present any risk of overlooking to any existing neighbouring properties. However, given the location of the brick outbuilding to the rear, within the plot and the fact that it has and is proposed to maintain use of Westward facing windows, this proposal, if

approved, would effectively 'sterilise' the adjacent, currently unoccupied plot directly to the west of the site, precluding it from any future residential development due to the risk of overlooking from a domestic residential unit to the East in the form of the brick outbuilding in residential use.

Parking Provision

This proposal is put forth as a car-less development. Given the town centre location and proximity to all main amenity services, the Lincolnshire County Council Highways department have commented raising no objections, on the grounds that this site could, feasibly be used as a multi-unit residential site, without necessitating access to private motor vehicles.

Conclusion

For the reasons listed above, this application is considered to be in contravention of Policies 1, 2 and 29 of the South East Lincs Local Plan (2019) as well as Section 16 of the National Planning Policy Framework (2019). Therefore, this application is recommended for 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.