

## DECISION DELEGATED TO DEVELOPMENT MANAGER

**Application No:** H16-0527-20      **Applicant:** Mr D Burchnall  
**Proposal:** Conversion of existing garage into self contained dwelling  
**Location:** Rear Of: 72 St Thomas Road Spalding  
**Terminal Date:** 28th August 2020

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### 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            |
| 36         | Vehicle and Cycle Parking             |
| APPENDIX 6 | Parking Standards                     |

#### National Guidance

#### National Planning Policy Framework 2019

Sections 5, 12 and 14 of the National Planning Policy Framework (2019)

5 - Delivering a sufficient supply of homes

12 - Achieving well-designed places

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<br>SUPPORT | 0      | 0       | 0       | 1        |
| SHDC INTERNAL              | 0      | 0       | 1       | 0        |
| OTHER STATUTORY<br>BODIES  | 1      | 0       | 0       | 0        |

|                        |   |   |   |   |
|------------------------|---|---|---|---|
| OTHER STATUTORY BODIES | 0 | 0 | 1 | 0 |
| RESIDENTS              | 3 | 0 | 0 | 0 |

## **CASE OFFICER ASSESSMENT**

### **Proposal**

This is a full planning application for conversion of an existing garage into a self-contained dwelling at the rear of 72 St Thomas Road, Spalding. The proposal would be accessed from Cross Street, and seeks to provide an open plan living, kitchen, bedroom area with a separate room containing a toilet and shower. The footprint of the garage is 6.05 metres wide and 6.1 metres in depth, has an eaves height of 2.53 metres and a maximum apex height of 4.38 metres. The garage is constructed from brick and tile, and the proposal seeks to retain tiling for the roof, with vertical timber boarding as the external wall material. An amenity area is provided up to 4.5 metres from the rear elevation wall.

The proposed would utilise mains drainage with a soakaway to address surface water drainage.

### **Site Description**

The proposal is within the defined settlement limits of Spalding. The surrounding area is characterised by dwellings of varying ages and design. The proposal site is in Flood Zone 3 of the Environment Agency Flood Maps and is not subject to increase flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. There is not considered to be a requirement to raise the finished floor levels of the garage given where the site is categorised for potential flooding.

### **History**

None

### **Consultation Responses**

#### **SHDC - Environmental Protection**

No objections.

#### **Members of the public - Objections - 4**

Parking provision  
Large number of HMOs in the vicinity  
Overshadowing  
Overlooking  
Lack of space for occupant.  
Creation of a development precedent

### **Planning Considerations**

#### **Principle of development**

The proposal site is within the defined settlement limits of the largest settlement in the district. The principle of a dwelling in this location is acceptable if it can be demonstrated to accord with local and national policy. The Local Planning Authority as of March 31 2020 can confirm 9.1 years of Housing Land Supply under the Liverpool Method. This means that the policies within the 2019

South East Lincolnshire Local Plan (SELLP) are considered to carry material planning weight.

Policy 2 of the SELLP is titled - Development Management and states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets; and
9. impact on the potential loss of sand and gravel mineral resources."

Assessing the proposal against the above criteria, the dwelling would be cramped and incongruous with a poor level of amenity for the occupant. It would therefore not accord with criterion 1. With regard to policy 2, the decision to timber board the building will lead to a building at odds with the rest of Cross Street with brick and tile forming the vast majority of the external materials on Cross Street. The building is already in situ so criterion 3 regarding sustainable materials is not of great relevance when considering this proposal. Criterion 4 concerns vehicle generation levels. Whilst the proposal will provide two parking spaces, three parking spaces will be lost for the occupants of 72 St Thomas Road and therefore criterion 4 has not been satisfactorily addressed.

The addition of a one bedroom dwelling should not materially impact on community services and infrastructure. Therefore, the criterion 5 is satisfied. There should not be a material increase in noise, odour disturbance or visual intrusion from an additional residential use in a residential area, from an existing building. Criterion 6 is considered addressed. The dwelling is not in an area of increased flood risk and surface water drainage would be provided by a soakaway. Criterion 7 is considered satisfied. Criterion 8 is not considered to carry material weight as the proposal will not affect a natural habitat, historic building or heritage asset. Criterion 9 is also not considered to carry material weight in this scenario as sand and gravel resources will not be affected by the change of use of this building.

The design and layout of the building offers a substandard level of amenity to the applicant and is at odds with the character of the street scene. The proposal is therefore not in accordance with Policy 2 of the SELLP.

#### Parking provision

The purpose of the garage and driveway is to provide off road parking provision for the occupants of 72 St Thomas Road. The garage can accommodate a vehicle, with the driveway able to accommodate two further vehicles. If this provision was lost then there is currently no provision for off road parking for the property. This would further exacerbate parking provision problems in St Thomas Road and Cross Street where a number of Houses of Multiple Occupancy (HMO) are sited.

Parking provision is assessed against Policy 36 and Appendix 6 of the SELLP. Policy 36 is titled - Vehicle and Cycle Parking - and states:

"All new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (in Appendix 6)... parking spaces are fit for their intended use in terms of size and design;"

Appendix 6 requires that new housing with up to three bedrooms should have a minimum of two parking spaces.

The proposal meets the minimum standards for parking spaces for the new dwelling, however it will lead to the loss of three off road parking spaces for the occupants of 72 St Thomas Road. The applicant has not sought to provide off road parking elsewhere on site.

#### Large number of HMOs in the vicinity of the proposal

Under current planning guidance for August 2020. Up to six unrelated persons can live in a property without the need for a planning application. Each property could therefore attract up to six vehicles which would and does create parking provision problems in the vicinity. The complaint about the behaviour of occupants of HMOs is not considered to carry material planning weight as it does not impact this application which is for a one bedroom garage conversion.

### Overshadowing

There is to be no increase in the size of the garage so this is not considered to carry material weight.

### Overlooking

The additional of ground floor windows into the garage is not considered to contribute to an overlooking aspect in this location. The site will be bordered by fences to the side and rear and there are a large number of properties with frontage ground floor windows in the vicinity.

### Flood Risk

The proposal site is in Flood Zone 3 of the Environment Agency Flood Maps and is not subject to increase flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. There is not considered to be a requirement to raise the finished floor levels of the garage given where the site is categorised for potential flooding.

### Lack of space for occupant

The garage measures 6.05 metres by 6.1 metres so the internal floorspace will be smaller than this. There is only partial separation of the kitchen, bedroom and living room and the proposal does not allow for a large amount of amenity space for occupant.

### Creation of a development precedent

The proposal would create a development precedent in the area which would make similar applications in the vicinity difficult to resist. This in turn would create properties with a substandard level of amenity for the occupant and would further exacerbate parking provision problems in the area.

### **Conclusion**

The proposal will lead to a dwelling with a substandard level of amenity for future occupants and lead to a loss of all three off road parking spaces for the occupants of 72 St Thomas Road.

In light of the above considerations the proposal is considered not to be in accordance with Policies 1, 2, 3, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2019.

A delegated refusal is considered to be appropriate.

### **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.