DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0550-20**	**Applicant:**	**Mr N Hutton**
Proposal:	Proposed extension to form one 2 bedroom flat		
Location:	5 Juniper Crescent Spalding		
Terminal Date:	15th September 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
21	Houses in Multiple Occupation and the Sub-Division of Dwellings
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

National Planning Policy Framework (2019)

12 - Achieving well-designed places

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
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for a proposed extension to form a one 2 bedroom flat at an existing house of multiple occupancy (HMO) located at 5 Juniper Crescent, Spalding. The proposal seeks to provide a three storey side extension, with two garages at ground floor level and a staircase at the rear of the building leading to accommodation at first and second floor level. The first floor will contain a kitchen and an open plan living and dining area. The second floor will contain two bedrooms and a bathroom. There are to be no side elevation windows in the extension and it cannot be accessed from the main dwelling. Brick and tile is to match that of the existing building.

Site Description

The proposal site is within defined settlement limits and the surrounding area is characterised by residential buildings of a similar age and designs.

Relevant Planning History

H16-0252-10

full - Change of use of dwelling to HMO and conversion of detached double garage into managers accommodation (part retrospective) - Refused - 01 October 2010. Allowed on appeal - 31 March 2011.

H16-0831-11

Full - Extension to garage to provide managers accommodation for house of multiple occupancy - Approved - 20 December 2011.

Consultation Responses

LCC - County Highways & SUDS Officer

No objections

SHDC - Private Sector Housing

No observations

Members of the public - Objections - 2

Existing two garages used as a two bed apartment
Loss of property value
Overdevelopment / Overbearing
Noise
Parking provision
Refuse collection

Planning Considerations

Principle of development

South East Lincolnshire Local Plan (SELLP) Policy 21 is titled 'Houses in Multiple Occupation and the Sub-Division of Dwellings' and states:

Proposals for the creation of large Houses in Multiple Occupation and the sub-division of dwellings will be permitted provided that, in each case:
1. it would not result in the loss of family-sized dwellings in high density residential streets of predominantly terraced and/or semi-detached properties;
2. it would not significantly harm the amenities of the occupiers of adjoining or neighbouring properties by way of noise, overlooking, general disturbance or impact on visual amenity;
3. it would not have a significant adverse impact on the character and appearance of the area, including the historic and natural environment;

4. adequate provision is made for the storage and disposal of refuse and recycling;
5. it would not have a significant adverse impact on the surrounding area by way of increased on-street parking, impaired highway safety or by impeding proper access to the area;
6. the site has good access - by walking and cycling - to community facilities, services, public transport and local employment;
7. an adequate standard of residential accommodation and residential amenity is provided for future occupiers; and
8. adequate provision is made for the communal gardens and amenity areas.
Where all of the above criteria are satisfied, the Nationally Described Space Standards 10 (or any successor) will be applied to ensure that the occupiers have adequate floor space.

Whilst the proposal has been granted permission as an HMO the intensification of use of the site is still considered to apply in this instance. When assessed against the above criteria, the following can be observed.

1. The use of the site as an HMO was granted at appeal under H16-0252-10 so this criterion is not considered relevant to the application.

2. Objections have been received in relation to noise, general disturbance and impact on residential amenity from the use as existing. The proposal is therefore not considered to accord with this criterion.

3.The increase in height above the existing garage is considered to have a material overbearing impact by virtue of overdevelopment of the site. The proposal will not impact the historic and natural environment. The proposal is therefore not considered to accord with this criterion.

4. Complaints have been made with regard to the volume and disposal of refuse on site. Because South Holland District Council does not offer wheelie bins, then when a bin bag splits or are put out on hot days the smell can be unbearable. This would be exacerbated with the large number of adults living at this property. The proposal is therefore not considered to accord with this criterion.

5. Photographic evidence has been provided which shows not only the lack of parking, but inconsiderate parking by the occupants and visitors to this site. To the extent that access to neighbouring properties is impeded. The proposal is therefore not considered to accord with this criterion.

6. The site has good access - by walking and cycling - to community facilities, services, public transport and local employment. The proposal is considered to accord with this criterion.

7. To ascertain if an adequate standard of residential accommodation and residential amenity is provided for future occupiers of the extension, the Private Sector Housing Officer has no objections to the new 2 bedroom flat. The proposal is considered to accord with this criterion.

8. It is not considered that there is adequate provision for communal gardens and amenity areas as the Private Sector Housing Officer has raised no objections. The proposal is considered to accord with this criterion.

Because of material detriment to the built character of the area, as well as noise, refuse problems and lack of parking provision, the proposal is not considered to accord with Policy 21 of the SELLP.

As the proposed extension would be capable of functioning as an independent living unit it must also be assessed against Policy 2 of the SELLP, titled 'Development Management'. This Policy 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."

When assessed against the above criteria, the following is observed:

1. The size of the proposal leads to a development that is out of keeping with the character with the character of the surrounding area by virtue of the bulk and prominence in the streetscene of the proposal building.

2. The design provides an acceptable level of amenity for the occupant, and the orientation represents a standard frontage orientation. However, external the design is bulky, overbearing and causes amenity problems as a result of overdevelopment of the site.

3. The design is to match that of the existing dwelling and the proposal does not seek to maximise the use of sustainable materials and resources. However the agent, has sought matching materials to that of the existing dwelling.

4. The proposal will lead to a loss of two off-street parking spaces and further exacerbate existing parking and access on and adjacent the site, as well as on the surrounding streets.

5. The proposal site is within the defined settlement limits of Spalding, which is the largest settlement in the district. There is considered to be an acceptable level of community services and infrastructure in this location.

6. It is considered that the proposal will lead to an increase in noise, disturbance and potential odour from the increase in the number of refuse bags outside the property on collection days due to the increase in the number of occupants in the existing HMO.

7. The proposal will not materially impact surface water drainage. Assessed as an independent living unit, the extension is sited in an area with a maximum predicted flood depth exceeding 2 metres on the 2115 South Holland Strategic Flood Risk Mapping. The extension only contains garaging at ground floor level, which is not considered to be a habitable room use. Therefore, taken as an independent living unit, the proposal would accord with this criterion.

8. The proposal is not considered to impact natural habitats, historical buildings or heritage assets.

9. The proposal will not impact sand and gravel mineral resources.

Because the overbearing impact of the proposed design, impact on amenity and loss of parking spaces, this proposal is not considered to accord with Policy 2 of the SELLP.

Existing two garages used as a two bed apartment

The local planning authority is aware of this matter as permission was granted to do so under reference H16-0831-11.

Loss of property value

This is a matter which is not considered to carry material planning weight.

Overdevelopment / Overbearing

The increase in height above the existing garage is considered to have a material overbearing impact by virtue of overdevelopment of the site. This will materially impact the character of the surrounding area.

Noise

There have been complaints about noise from the occupants at all times of the day and night and allegations that more than 10 people live at the property. This is a matter for assessment by the Private Sector Housing Officer, however they have no objections to the application, and HMOs are regularly checked.

Parking provision

When permission is given for new dwellings with 4 bedrooms or over, they must have a minimum of 3 parking places under Appendix 6 of the SELLP. Whilst the property when constructed it could afford 4 parking spaces without parking over the neighbouring access at 3 Juniper Crescent. However now the garage has been converted to managers accommodation, 4 vehicles cannot park on the driveway without blocking part of the driveway serving 3 Juniper Crescent. To allow additional accommodation on this site would only exacerbate the lack of parking provision to two cars in the new garage spaces and nearby on street parking.

Refuse collection

Complaints have been made with regard to the volume and disposal of refuse on site. Because South Holland District Council does not offer wheelie bins, then when a bin bag splits or are put out on hot days the smell can be unbearable. This would be exacerbated with the large number of adults living at this property.

Conclusion

In light of the above considerations the proposal is considered not to be in accordance with Policies 1, 2, 3, 21, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 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.