

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H16-0654-21	Applicant:	Mr D Pite
Proposal:	Change of use of residential annexe to one C3 private dwelling separate from the host building, including minor alterations to boundary treatments.		
Location:	Jap Lodge, Annexe To Mercia Lodge 65 Pinchbeck Road Spalding		
Terminal Date:	21st August 2022		

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
11	Distribution of New Housing
28	The Natural Environment
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

NPPF 2021

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Change of use of residential annexe to one C3 private dwelling separate from the host building, including minor alterations to boundary treatments.

No internal or external alterations to either Mercia Lodge or The Annexe are proposed.

The proposal seeks to provide vehicular and pedestrian access to The Annexe via the south access point from Pinchbeck Road, which is the existing arrangement and provides private parking for The Annexe.

Site Description

The application property is a curtilage listed two storey annexe to the host dwelling of Mercia Lodge, which is a Grade II Listed Building. The site falls within the Spalding Conservation Area. Access to the site is gained via a narrow access road on the southern boundary of the site, that leads also to the more recent properties to the rear.

To the rear of Mercia Lodge are two later dwellings, Nos. 65a and 65b, that are independently occupied. The history of these two dwellings is set out below.

History

H16/1186/91. Mercia Lodge. 65 Pinchbeck Road. Existing dwelling to be used as offices (registered as H16/0054/90). Approved 15-05-92, with a S106 to control the use of the property as Class B1a offices and the protection of landscaping. This S106 is still extant.

H16-0687-01. Mercia Lodge, 65 Pinchbeck Road. OUTLINE. Erection of two dwellings. Refused. 8.10.2001. Allowed on appeal 1.8.2002.

H16-0606-16. 63 Pinchbeck Road. Residential development of one chalet bungalow following the refusal of H16-0263-15. Refused 6.02.2017. Appeal dismissed 18-05-2017

H16-0520-22. S191 LAWFUL USE CERT. The use for which a certificate of lawful use or development is sought, is the change of use of the building known as The Annexe from office use, to a lawful use as a separate, independent residential planning unit falling under User Class C4. APPROVED 16.8.2022.

Consultation Responses

SHDC Conservation Officer

No objections to this proposal based upon Conservation grounds. The Annexe was originally used as staff accommodation for the associated Mercia Lodge and it appears unlikely that a matching use shall be found for it, whilst remaining linked to the larger property. Therefore, independent dwelling use should be considered an appropriate, modern use that does not impact upon the heritage qualities of the wider site.

Alterations required to facilitate the change are relatively minor and matching to materials and styles which are already extant on-site. Therefore, do not consider it to be the case that the proposed physical alterations to boundary treatments would harm the character of the site.

However, the applicant and any subsequent owners of The Annexe should be aware that the property shall still be considered to be a part of the historic curtilage of Mercia Lodge and therefore shall continue to be considered listed by association to the original host property. The potential approval of this application would not in any way alter the listed status of this site, and the status of The Annexe upon the national heritage list remains inextricably tied to that of Mercia Lodge.

Highways & SUDS Support

Does not wish to restrict the grant of permission.

For this proposal the access to the public highway remain unchanged and off road parking is provided, therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to surface water risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water risk for this planning application.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

Third Parties

Objections have been received raising the following (precised):

Additional strain on this area leading to additional driveway maintenance and cause additional traffic and people related noise/disturbance

Potentially be a safety risk to pedestrians using the driveway

Potentially cause overcrowding of vehicles on the driveway

Contractual implications for driveway maintenance

Change of use of an annexe that has been accepted as an annexe since its conception

The front of Mercia Lodge is untouched since being built in 1867

The in and out carriage drive, a beautiful and very important feature to the original grandness of Mercia Lodge

The full frontage is integral and plays just as important a role as the Mercia Lodge house itself

Planning Considerations

The main issues in this case are:

Principle of Development

Layout and Design

Highway safety and parking

Impact of neighbouring Residents/land users

Flooding considerations

Foul and Surface Water Drainage

Heritage considerations

Principle of Development

This property (The Annexe) is a curtilage Listed property within the settlement of Spalding. The Annexe was originally built as an ancillary annexe to the host dwelling, Mercia Lodge, which is Grade II Listed. Both The Annexe and the host dwelling are located within the Spalding Conservation Area.

A certificate of Lawful Use has recently been granted, clarifying that The Annexe has been used as an independent C4 dwelling (HMO), and is exempt from enforcement action (H16-0520-22 set out above refers).

Under the provisions of Class of the The Town and Country Planning (General Permitted Development) (England) Order 2015 (the principal order) and The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021, a change of use from a C4 HMO use to a C3 dwelling is considered to be permitted development however this application specifically requests consideration and approval of this change of use, and has been considered on that basis.

Given the history of the property it is considered that the change of use from the existing C4 use to a C3 use is acceptable, as a family dwelling is likely to be the source of fewer vehicle journeys and other noise disturbances than a HMO use.

Layout and Design

No changes are proposed to the exterior or interior of the Annexe, nor to Mercia Lodge. The alterations to boundary treatments are to enable the physical separation of the boundaries and garden areas of the two buildings (Mercia Lodge and the Annexe), and to enable direct pedestrian access to the vehicle parking area and access on to the lane to the side for the Annexe.

It is considered that the erection of timber fencing and the installation of a pedestrian gate to access the parking area is minor in nature and would not harm the fabric or setting of the listed buildings, and would have a neutral impact upon the character and appearance of this part of the Spalding Conservation Area.

It is therefore considered that the works accord with the provisions of Policies 2, 3 and 29 in this regard.

Conditions are proposed to remove permitted development rights to The Annexe, due to its close proximity to adjoining properties, in order that the Local Planning Authority retains control over the future extension and alteration of the dwelling, in the interests of its architectural and visual integrity, levels of residential amenity and the visual amenity and character of this part of the Conservation Area within which it is set, in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2021.

Highway safety and parking

The parking area shown for The Annexe could serve two vehicles comfortably, although it is indicated on the drawings that 4 parking spaces could be provided. Given that this property would be occupied as a C3 dwelling, it is considered that the parking shown is adequate.

As can be seen from the response above, LCC have no objection to the use of the access on to Pinchbeck Road and consider that it would not result in an unacceptable impact on highway safety.

Impact of neighbouring Residents/land users

It is considered that the use of the property as a C3 use would have no greater traffic generation than the C4 use, thus this consent could not be withheld on the grounds of vehicle noise, or vehicular or pedestrian safety along the private access road or at the public highway junction.

Objections have been raised to the proposals, including matters that are civil in nature and outside the realm of planning to influence, specifically the implications for driveway maintenance.

Flooding considerations

It was not considered necessary for a flood risk assessment to be submitted to support the application, and LCC as Lead Flood Authority raise no objection to the development.

It is therefore considered that the proposals accord with the provisions of Policies 2, 3 and 4 in this regard.

Foul and Surface Water Drainage

No changes are proposed to the existing arrangements.

Heritage considerations

As can be seen from the SHDC Conservation Officer's comments, It is considered that the works are minor in nature and would not harm the fabric or setting of the listed buildings, and would have a neutral impact upon the character and appearance of this part of the Spalding Conservation Area.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material

considerations indicate otherwise.

The proposed change of use and fencing works would not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking. Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 11, 28, 29 and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2021.

There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

Approve, subject to conditions.

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.