

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0666-23 **Applicant:** Mrs J Izzard

Proposal: Detached Annexe (relocation due to Anglian Water Sewer) - re-submission of H16-0782-22 - approved under H16-0168-23. Modification of Condition 2 to allow amendments to previously approved plans.

Location: Dunrobin 1 Swindlers Drove Spalding

Terminal Date: 20th September 2023

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a section 73 application to modify the siting of the annexe approved under H16-0168-23. This represents a move of 3.65 metres to the west. The alteration has been proposed to avoid an

Anglian Water sewer pipe. The change in siting is the only proposed alteration.

Site Description

The site is situated within the countryside, according to Policy 1 in the South-East Lincolnshire Local Plan, 2019 (SELLP). The property is situated to the east of the Low Fulney Estate, along Swindler's Drove, which is characterised by low density frontage development of a variety of ages and design. There are open fields situated to the east of Swindler's Drove.

The property in question sits on a very spacious plot, with a large rear and front garden with gated access to the property. There is a detached dwelling and a detached garage on the site.

Relevant History

H16-0168-23 - Full. Detached Annexe (relocation due to Anglian Water Sewer) - re-submission of H16-0782-22.

H16-0782-22 - Full. Detached Annexe. Approved 07/09/22.

H16-1169-98 - Full. Demolition of flat roof extension, rebuild extension and alterations. Approved 05/01/99.

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

Proposal is further away from the Board's arterial watercourse (B25 Old Exeter Drain, drain code DRN193P2501). The repositioned annexe will not require the Board's prior approval under the provisions of Byelaw 10.

Does not appear to be any need to apply for Land Drainage Consent.

Key Planning Considerations

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, 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, 2021 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

The principle of development on the site was established under the previous application. As this amendment purely seeks to change the siting of the annexe by 3.65 metres, the previous considerations are still relevant. The annexe will be ancillary to the host dwelling and would not be tantamount to the creation of a new dwelling.

The proposal conforms to Policy 1 of the SELLP, and the principle of development is acceptable.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed places", states that "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.

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.

There would be no material change to the scale, design, or materials of the development. The change to the siting of the structure would have no significant impact on the design of the proposal. Bringing the structure forward would not make it appear significantly overbearing or dominant within the street scene as there is still a sufficient distance to the roadside proposed. The proposal would still largely be obscured from the road by the existing screening.

The proposal conforms to Policy 2 and 3 of the SELLP and therefore acceptable in terms of layout, design, and scale.

Impacts Upon Residential Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The movement of the building would not exacerbate any concerns raised over amenity impact. A significant distance would still be maintained between the annexe and any neighbour. Significant boundary treatments are present to ensure no overlooking or overshadowing could occur.

Taking the above into account, the proposed detached annexe is deemed to comply with Policies 2 and 3 in the SELLP and Section 12 in the NPPF in terms of residential amenity.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposed alteration to the location of the annexe would not exacerbate any concerns raised in the initial permission. The alteration would not increase the risk of overlooking or overshadowing. It would still be well screened, ensuring that the impacts upon the character of the area are limited.

The proposal is therefore acceptable, and the planning balance is in favour of the proposal.

Conclusion

The recommendation is for delegated approval.

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.