DECISION DELEGATED TO HEAD OF PLANNING

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| **Application No:** | **H16-0782-22** | **Applicant:** | **Mr D Izzard** |
| **Proposal:** | Detached Annexe | | |
| **Location:** | Dunrobin 1 Swindlers Drove Spalding | | |
| **Terminal Date:** | 3rd October 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 |
| 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 full application, seeking permission for a proposed detached annexe on the property of Dunrobin, 1 Swindler's Drove, Spalding.

**Site Description**

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

## History

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

## Consultation Responses

South Holland IDB

We note that the applicant intends to dispose of foul water to a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

We note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the site's northern boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Whilst not currently proposed, should the applicant's proposals change to include works within 9 metres of the aforementioned Board Maintained watercourse, or if works within 9 metres of the watercourse are proposed at any time in the future, consent would be required under Byelaw 10.

## Planning Considerations

Principle of development

The site is outside of any settlement boundary and is therefore considered to be in the countryside in planning policy terms, as per Policy 1 in the South East Lincolnshire Local Plan, 2019. However, the principle of an annexe that is ancillary / incidental to the enjoyment of the existing dwelling is acceptable.

Design and layout

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and l and uses.

The annexe would comprise of a single storey, with two bedrooms, one wet room and an open plan kitchen, dining and living space. There will also be a raised patio area, with steps and a wheelchair access slope to the front elevation.

The external materials include facing brickwork on walls, concrete roof tiles and white UPVC in fenestration to match those existing to the host property. Thus, the development will appear well blended with the fabric of the house and visual amenity will not be undermined.

The gross floorspace is adequate per room to ensure good living conditions to the annexe occupier. The annexe would be set back behind the existing garage, approx. 7.1m back from the garage and driveway. To the south and west elevation, a bifold door and a entrance door is proposed, allowing easy wheelchair access onto the patio from the internal living space. It is considered that it would not materially harm the street scene or the character or appearance of the surrounding area by virtue of it being set back and within a large curtilage.

As such the proposed detached annexe is on balance considered acceptable in terms of its impact on the character of the existing dwelling and the area, therefore it accords with Policies 2 and 3 of the SELLP and the Section 12 of the NPPF.

Residential amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The proposed windows and doors to the south elevation would be approx. 6m from the side elevation of the original dwelling and would overlook onto the garden of the host dwelling. This is not considered to have a detrimental impact to residential amenity, due to the annexe being ancillary to the host dwelling and sharing the external garden space.

The dwelling to the north is over approx. 20m away and would not have a detrimental impact in terms of overlooking, overshadowing or being overbearing by virtue of this and its single storey nature.

Taking the above into account, the proposed detached annexe is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity.

Flood Risk

In terms of flood risk, the application site is situated in Flood Zone 3 according to the GOV Flood Map for Planning. Therefore, the proposed annex would be situated in a high flood risk area.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) indicates that flood depths on the site could be up to 1m for the 0.1% Fluvial / 0.5% Tidal Event. Therefore, based on the South East Lincolnshire Strategic Flood Risk Assessment Standing Advice: "Finished floor levels (FFL) must be set a minimum of 1m above existing ground level, with flood resilient construction to a height of 300mm above the predicted flood depth."

The submitted site-specific Flood Risk Assessment (FRA) recommends that floor levels are set at a minimum level of 3.45m AOD, which is approximately 0.56m above ground level where the annexe would be sited, but is above the maximum predicted flood level in 2115 in the cross section in the FRA based on actual site levels. The proposed mitigation measures are therefore considered acceptable.

The proposal is considered to satisfactorily accord with Policies 2, 3 and 4 of the Local Plan which require flood risk to be taken into account.

Parking Provision

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision.

3 no. car spaces must be provided within the curtilage for dwellings with more than 3 no. bedrooms. The proposed annexe has two bedrooms, and it is likely that the host dwelling will also have at least two bedrooms. The drive to the front is sufficient to accommodate two cars, with a detached double garage also.

Therefore, the existing parking provision complies with Policy 36 and Appendix 6 in the SELLP, 2019.

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 principle of an annexe that is incidental to the enjoyment of a dwelling is acceptable. The proposed annexe will not materially harm the character or appearance of the locality or amenity of

nearby residents. The flood mitigation measures proposed are appropriate.

On balance, no adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

## Conclusion

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 development satisfactorily accords with Policies 1, 2, 3, 4, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019.

The recommendation is therefore a 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.