DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0802-25**	**Applicant:**	**Mr J Anderson**
Proposal:	Proposed detached garage with gym / games room		
Location:	43 Cowbit Road Spalding		
Terminal Date:	16th October 2025		

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
29	The Historic Environment
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 9 - Promoting sustainable transport
Section 12 - Achieving well designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RUBEN LOPEZ, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SPALDING & DISTRICT CIVIC SOCIETY	0	1	0	0
SOUTH HOLLAND	0	0	0	1

INTERNAL DRAINAGE BOARD				
SHDC INTERNAL	0	1	0	0

CASE OFFICER ASSESSMENT

Description of Proposal

This is a householder application for a two-storey outbuilding, comprised of a garage and gym/ games room, to the rear of 43 Cowbit Road, Spalding. The building would measure 6247mm (width) by 7600mm (depth). The eaves would be set at 4500mm, with the ridge height at 7175mm. The proposal would be constructed of red brick, with dark grey, interlocking concrete roof tiles. Windows and fascias/ soffits would be white UPVC, whilst the garage door would be a dark grey roller shutter door. Two ground floor east facing windows are proposed, alongside one west facing ground floor window, and a one south facing first floor window. Four roof lights are proposed (two facing east and two west).

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019. The site located fairly centrally within the settlement, approximately 100m north of the confluence of the Coronation Chanel and the river Welland. The site is located just within, but on the periphery of, the Conservation Area.

43 Cowbit Road is a semi-detached, red brick property, typical of the area. The dwelling features prominent bay windows, fronting on to a busy road. An access to 43 Cowbit Road's parking area and 43A Cowbit Road, a detached bungalow located to the immediate rear of 43, runs along the southern boundary. The ground slopes down to the rear of the property.

Relevant History

H16-1006-15 - Full. New vehicular access. Approved 11/12/15.

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:

Cllr Asby

Support - Private use only needs adding to the application

South Holland Internal Drainage Board

"Thank you for your consultation on planning application H16-0802-25. Having screened the application, whilst the site in question lies within the Internal Drainage District of the South Holland Internal Drainage Board the proposed application does not meet our threshold for commenting as per our Planning and Byelaw Strategy. Therefore the Board has no comments to make."

Spalding and District Civic Society

Support - "We have no objection to the general appearance of the building. However, we are of the opinion that the overall height could be reduced to ensure that it is no higher than the building behind, which is a garage with accommodation over serving No 41. There is scope to reduce the eaves height internally by at least 0.5m and still enable a person to stand upright at the eaves in the

upper room.
Also we feel a condition needs adding onto any decision limiting the gym to private use only to avoid it escalating into a business. A decibel sound limit also be a condition to protect neighbours"

Highway and Lead Local Flood Authority

"No objections - Proposed detached garage with gym / games room - Vehicles already park where the garage will be located. The access is owned by 43A but 43 have access rights over it therefore the proposal will not have an adverse impact on the public highway"

Historic Places Team

"Thank you for consulting us on this. Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request. Finally, considering the proposal is within the Spalding Conservation Area, the SHDC Conservation officer must be consulted before a decision is made"

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, 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, 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the settlement of Spalding which is classed as sub-regional centre within Policy 1. As such development will be permitted that supports Spalding's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

As the site is within Spalding, development within this location is considered appropriate. In any event, the proposal solely relates to an outbuilding within an existing and established residential unit and therefore, the principle of such development is considered to be appropriate.

The building, by virtue of the uses proposed, is considered to be functionally subservient to the host dwelling. The proposal would not result in additional living space tantamount to a separate dwelling. To ensure a connection to the host, it is recommended that a condition preventing the development from being used independently from 43 Cowbit is added in the event the application is approved.

As such, the proposal is considered to be in accordance with the requirements of the SELLP when viewed in principle. This is subject to the assessment against site specific criteria; including (but not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, and impact on highway safety, which are discussed in turn in the following sections.

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

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

Paragraph 135, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

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.

These policies accord with the provisions of the NPPF and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The host dwelling is a two-storey property, and would therefore cut the majority of lines of site between the main road and the proposed garage. This would reduce the impact upon the public realm to a certain extent. As a result, the proposal would primarily be visible from, and therefore impact upon, 43a, 40a and the Annex at 41 Cowbit Road.

The proposed outbuilding would have a total height of 7175mm, which is comparable to the height of the host dwelling. Whilst the positioning of this building towards the bottom of a slope increases the perceived height differential between the host and the proposal, the relationship between the two would be suboptimum and would lack immediate visual subservience. This largely stems from the significant scale of the building, which prevents it from being immediately subservient to the host from an initial viewing. Moreover, while the site is functionally within the grounds of 43 Cowbit Road, the low fencing present splitting this land from the main garden creates a visual separation which prevents this site from immediately being read as associated with the main dwelling. As a result of this scale and the proposed positioning outside of the perceived curtilage, the proposed building lacks visual subservience to the host dwelling. As a result, this creates a harmful relationship between the two, to the detriment of the immediate area.

The proposed building would also have a poor relationship with 43a Cowbit Road. The significant height, in comparison to 43a Cowbit Road, results in the building appearing unduly dominant and the detracts from the existing built form of the area. The garage would dominate views of the

bungalow at 43a, resulting in a detrimental change in the built form of the area. On this basis, the proposal fails to respect the existing designs and scales of buildings in the immediate area, therefore conflicting with the provisions of the National Design Guide, in particular paragraphs 53 and 56.

It is acknowledged that the scale has taken queues from the adjacent Annex 41 Cowbit Road; however, a fundamentally different relationship existing between this existing building and that proposed, primarily arising from the positioning of 43a Cowbit Road. Moreover, this existing building means that the additional built form would appear even more imposing and dominant, as there would be a significant increase in the density and scale of development in the immediate locale.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be unacceptable. The proposal would cause an adverse impact to the character or appearance of the area and would therefore be contrary to Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposal would lead to some level of overshadowing on both the Annex 41 Cowbit Road and the garage/ office at 43a Cowbit Road. However, due to the nature of these buildings, and the abundance of other windows within them, it is considered that this level of overshadowing would not be to the significant detriment of occupants.

Some level of overlooking may occur towards 43a Cowbit Road, due to the side windows proposed. However, the level of this overlooking would likely be minimal and largely obscured by boundary treatments. Any views gained from first floor windows or roof lights could be mitigated against via the imposition of a glazed window condition.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The proposal would help ensure ample parking is provided and would not impact upon the public highway or the movement of vehicles along the private drive for 43 and 43a Cowbit Road.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact

on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Flooding Considerations

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: (...) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 174 of the NPPF states "the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". The strategic flood risk assessment provides the basis for applying this test.

Paragraph 175 of the NPPF states that "the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate. The process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the NPPF. Paragraph 178 states "to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall"

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South-East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan, including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the SELLP is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the sequential test.

Within the SFRA the site is classed as danger for all, with a hazard depth of 2m.

Paragraph 176 of the NPPF states: "Applications for some minor development and changes of use should also not be subject to the sequential test, nor the exception test set". Footnote 62 clarifies that minor development includes householder development.

As such, there is no need to apply the sequential or exceptions tests. In any event, the relatively small scale of the building and its positioning on hard standing would prevent the proposal from increasing flood risk elsewhere. As a garage, the proposal would not be significantly at risk in a flood event.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

Heritage and Conservation

Policy 29 of the SELLP, alongside Section 16 of the NPPF, relates to the preservation of the historic environment. Both outline that all applications within the Conservation Area should preserve or enhance the setting.

In this regard, in respect of any buildings or other land in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area, through Section 72 the Planning (Listed Buildings and Conservation Areas) Act 1990.

The NPPF expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Section 16 of the NPPF states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the NPPF. Development proposals will be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

The site is located on the periphery of Spalding Conservation Area. Views from the public realm would be limited, mostly being obscured by the main dwelling at 43 Cowbit Road. No listed heritage assets are present in the immediate area. As a result, the impact upon the Conservation Area or the historic environment more generally is considered to be negligible.

Planning Balance

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

The proposed outbuilding is considered to lack visual subservience relationship to its host, due to the significant scale of the building and its positioning outside of the perceived residential boundary. The significant scale of the building would also result in a poor relationship with 43a Cowbit Road. The result is an unduly dominant building, which fails to integrate into the existing character of the area.

Whilst the proposal would not result in harm being caused to neighbouring amenity; to the highway network; flood risk or to the heritage environment - such matters are a pre-requisite of planning proposals which weigh neutrally in the planning balance, and are not considered to be benefits of the scheme. Overall, the benefit of the proposal are restricted to that of the applicant alone, with no wider public benefits likely to arise. As such, the harm identified would not be outweighed by the benefits of the scheme in the planning balance.

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.

Conclusion

Taking these factors into consideration, the proposal is considered to conflict with Policies 2 and 3 of the SELLP, as well as Section 12 of the NPPF and the provisions of the National Design Guide. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be refused under Delegated Authority.