DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0964-22**	**Applicant:**	**Mrs S Payne**
Proposal:	Removal of existing garage and replacement annexe		
Location:	17 Mallard Road Spalding		
Terminal Date:	28th November 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
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full application, seeking planning permission for the removal of the existing garage and the replacement with a proposed annexe to the property at 17 Mallard Road, 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 Mallard Road, which is characterised by low density / sporadic frontage development of a variety of ages and design. The property in question sits on a modest sized plot, with a rear garden overlooking an agricultural nursery. The semi-detached dwelling is set back from the road and has a long, gravelled driveway.

History

H16-1255-04- FULL- Approved on 01-11-04- First floor extension to side of property.

Consultation Responses

No consultation responses received.

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 land uses.

The annexe would comprise of a single storey, with one bedroom, one wet room and an open plan kitchen, dining and living space.

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 approx. 1.95 m back from the rear elevation of the host dwelling. To the west, north and east elevations, a door and several windows are proposed. 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. It would be of a similar size to the garage it would replace.

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 window to the east elevation would be approx. 6.7m from the rear boundary and would only look to the greenhouses on the nursery to the rear. The proposed windows to the north elevation include a kitchen window and an obscure glazed window from the wet room. The north elevation would be approx. 9m from the northern boundary and would be at an angle to the rear windows of the neighbouring dwelling. It is not considered that any of the proposed windows and

doors would be detrimental in terms of overlooking given that the annexe is single storey.

The proposed annexe would not be in direct view of any residential properties apart from the host dwelling, which the annexe would be ancillary to and would share the external garden space. Therefore, it would not have a detrimental impact in terms of overshadowing or being overbearing upon any neighbouring residential amenity 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 (2017) mapping of predicted depths of flooding in a 1 in 1000 year fluvial or tidal event in 2115 shows flood depths of between 250mm and 500mm at the site, and in Mallard Road south west of the site

It is considered that a single storey annexe with bedrooms on the ground floor will be satisfactory as long as the finished ground floor level is a minimum of 450mm higher than the existing ground level on the site, which will be above the predicted flood level in a 1 in 1000 year event in 2115 based on the existing level of the house and garage.

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 one bedroom, and it is likely that the host dwelling will also have at least two bedrooms. The drive to the front/side is sufficient to accommodate three cars.

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.