

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H19-0207-23 **Applicant:** Mr M Broker
Proposal: Conversion of domestic garage into self-contained annexe
Location: Masons Lodge Coronation Avenue Throckenholt
Terminal Date: 12th February 2024

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
28	The Natural Environment
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
Section 8. Promoting healthy and safe communities.
Section 12. Achieving well-designed and beautiful places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.

Representations:

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

OTHER STATUTORY BODIES	0	0	1	0
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CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for conversion of an existing one and a half storey detached domestic garage into a one bedroom self-contained annexe to be occupied incidental to the main dwelling.

Site Description

The site (some 0.10ha) is located on the eastern side of Coronation Avenue and is currently occupied by a house and detached garage, plus stable/paddock at the rear. The dwelling is the southernmost of a row of residential properties, the nearest being No 41 (detached house).

A drain is situated along the frontage and the North Level Internal Drainage Board's Main Drain is located to the south.

Recent History

H19-0380-03 - Full - Erection of agricultural building - Approved 02-09-03

H19-0437-18 - Full - Erection of 5 bed two-storey barn style dwelling with integral garage, new vehicle access, fencing, landscaping and stable - Approved 03-07-18

H19-0271-20 - Full - Erection of 4 bed two storey barn style dwelling with detached garages, new vehicular access, fencing and landscaping including existing stable to be removed. Approved 15-07-20

H19-0232-21 - S73 - Erection of 4 bed two storey barn style dwelling with detached garages, new vehicular access, fencing & landscaping, including existing stable to be removed - approved under H19-0271-20. Modification of Condition 2 to allow amendments to previously approved plans. Approved 05-05-21

H19-0910-23 - Full - Change of use of site to pony paddock and stables - Retrospective - approved 27-11-23

Consultation Responses

Sutton St Edmund Parish Council

The Parish Council would like to enquire if there is a possible discrepancy with the proposed orientation of the new dwelling (which does not appear to be part of initial application?) not being in keeping with the properties already situated on Coronation Avenue which have a front to back aspect of East to West?

LCC Highways/SUDs

No objections.

Environmental Protection

No comments.

LCC Historic Environment Officer

No archaeological input.

Public

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.

Planning Considerations

The main issues in this case are:

- Principle;
- Character/appearance;
- Impact upon nearby residents;
- Highway issues
- Flood Risk
- Ecology

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.

In this case, the South East Lincolnshire Local Plan (SELLP) 2011-2036, adopted March 2019, forms 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 (updated December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Principle/Policy

The site is outside Throckenholt settlement boundary as defined in the South East Lincolnshire Local Plan, 2019. Therefore, the site is located within the countryside. Policy 1 of the Local Plan states that "in the countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits".

In this case, the proposal is for a self-contained annexe incidental to the main dwelling (Masons Lodge). It is closely related to the host dwelling and is relatively small, being restricted to a single bedroom. Given the ancillary nature of the development, the proposal cannot readily be located elsewhere. Therefore, the principle of development for the proposal is acceptable unless material considerations indicate otherwise, according to section 70(2) of the Town and Country Planning Act 1990.

The proposal is in general accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019.

Character/Appearance

Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of section 12 of the National Planning Policy Framework (Dec 2023), in that it 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 National Planning Policy Framework (December 2023) 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.

The detached garage already has permission and this application is solely for its conversion, including some alterations to the design, appearance and internal layout. The building would remain subservient to the main dwelling and is considered acceptable in terms of design and appearance.

Sutton St Edmund Parish Council has raised issues over the orientation of the new dwelling and it not being in keeping with the properties already situated on Coronation Avenue, which have a front to back aspect of East to West. However, the dwelling already has consent and this application is solely for conversion of the existing detached garage.

The proposed works are considered to be in accordance with Policies 2 and 3 of South East Lincolnshire Local Plan, 2019 in this respect.

Residential Amenity

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Paragraph 135 of the National Planning Policy Framework (December 2023) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The nearest dwelling is No 41 (detached house) immediately to the north, which is the southernmost of a row of dwellings on the eastern side of Coronation Avenue. Cherry Tree House is situated to the north-west on the opposite side of the road.

The rear and western elevations are blank, whilst front dormer windows (bedroom and shower room) face the host property (Masons Lodge). An external staircase is situated on the side (eastern) elevation. However, it is essentially a fire escape since there is an internal staircase that will mainly be used. Moreover, it predominantly faces the garage roof within the rear garden of No. 41 and fields to the north-east/east.

The proposal would not materially harm the amenity of nearby residents in terms of overlooking, lack of privacy, noise and disturbance, etc.

The proposal is in accordance with Policies 2 and 3 of South East Lincolnshire Local Plan, 2019 in terms of amenity.

Highway Safety/Parking

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.

Further, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, 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.

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the Framework 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 would be severe".

The proposal involves no alteration to the existing access arrangements for the property and sufficient space would remain within the property, once the conversion of the garage has taken

place, for parking residents' vehicles. Therefore, provided the occupation of the proposed annexe is tied to the use of the host dwelling, the development proposed in this application would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the operation of the local highway network. Consequently, the highway authority raises no objections.

The proposal is in accordance with Policies 2, 3 and 36 of South East Lincolnshire Local Plan, 2019 in this respect.

Flood Risk

Section 14 of the National Planning Policy Framework (December 2023) 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 a) applying the sequential test and then, if necessary, the exception test".

Paragraph 168 details "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", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

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.

SELLP Policy 4 is consistent with the above and states that development within Flood Zone 3 will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding and that more vulnerable development would provide wider sustainability benefits to the community that outweigh flood risk. Moreover, an application is supported by a site-specific flood risk assessment (FRA) which, amongst other matters a) demonstrates that the vulnerability of the proposed use is compatible with the flood zone and b) identifies flood mitigation measures that demonstrate how the development will be made safe and that occupants will be protected from flooding from any source.

In this case, the site lies within Flood Zone 3 defined by the Environment Agency Flood Map, but within an area of no hazard within the South East Lincolnshire SFRA Hazard Map. Moreover, the Framework states at paragraph 174 that minor development and changes of use applications such as this should not be subject to the sequential or exceptions tests. Given the nature of the scheme, neither the sequential or exception tests are required in this case. However, paragraph 174 also stresses that proposals should still meet the requirements for site specific flood risk assessments. Given that the proposal is a more vulnerable development it is therefore recommended that the development be carried out in accordance with the flood risk assessment. This includes the ground floor of the annexe being 300mm above Coronation Avenue carriageway level, plus flood resilient construction and no ground floor sleeping accommodation.

The proposal satisfactorily complies with Policy 4 of the SELLP and advice within the Framework (December 2023) in terms of flood risk.

Ecology

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as impact or enhancement for areas of natural habitats. Policy 3 indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

The explanatory text sets out that development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat roost boxes, green roofs or walls, and integrating nesting opportunities into buildings and green infrastructure.

Paragraph 180 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

In this case the proposal is solely a conversion and measures were included as part of the original scheme for the dwelling and garage.

The proposal satisfactorily complies with Policy 28 and advice within the Framework (December 2023), subject to conditions.

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.

Given the ancillary nature of the development, the proposal cannot be located elsewhere within a settlement boundary. The principle of development for the proposal is therefore considered acceptable, subject to a condition ensuring it remains incidental to the main dwelling.

It is considered that the proposal would not materially harm the character/appearance of the locality or amenity of neighbouring residents in terms of overlooking, lack of privacy, noise and disturbance etc. There are no highway, flood risk issues in this case and ecology can be addressed by means of a condition.

The proposal conforms with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 28 and 36 of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (December 2023). There are no significant factors in this case that indicate against the proposal and outweigh the considerations in favour of the proposal and the policies referred to within the development plan as a whole.

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.

Recommendation

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