

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H19-0978-22 **Applicant:** Mr & Mrs Pooley
Proposal: Conversion of existing garage to annex and single storey rear extension.
Location: 309a Broadgate Road Sutton St Edmund Spalding
Terminal Date: 6th December 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
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application seeking permission for a rear extension to the garage and conversion into an annex. The extension would measure 5 metre (width) x 4.1 metres (depth) and stand at 2.9 metres in height. The annex would comprise a living room, 1 bedroom, kitchen and bathroom. The external materials would match the existing garage. The annex would be incidental to the main house on the site and would be occupied by the applicant's family members.

The proposal also includes the addition of slab paving to the rear of the site and permeable block paving to the front.

SITE DESCRIPTION

The site is located on Broadgate Road in Sutton St Edmund. The majority of the site is within the settlement boundary. A small section of the rear garden is outside the settlement boundary. The site comprises a detached dwelling of red brick construction. To the front is a gravelled driveway leading to a paved front garden/parking area. To the rear is a rear garden which is part laid to lawn and part decking. A detached single storey garage building is located in the rear garden. The immediate area comprises dwelling of varying designs, sizes and ages.

RELEVANT PLANNING HISTORY

H19-0034-13 - Proposed vehicular access - Approved

REPRESENTATIONS

North Level Internal Drainage Board

No comments.

PLANNING CONSIDERATIONS

Principle of development

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 key material considerations are addressed below.

The majority of the site is within the Sutton St Edmund settlement boundary as defined in the South East Lincolnshire Local Plan, 2019 therefore development that is incidental to the enjoyment of a dwelling is acceptable in this location. The annex would be used by family members in association with the existing dwelling on the site. As such 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. This is subject to a condition restricting occupation to family members only.

Layout, Design, Size and Scale

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 garage in question is located to the rear of the site therefore there are limited views from the public realm as the majority of it is blocked by the main house. The extension to the garage would be located to the rear therefore this would not be visible from the public realm either. The extension is modest in size and sympathetic in appearance.

The proposed annex is considered to relate well to the existing house as the access, parking and garden would be shared. The building would remain subservient to the main dwelling and retain the appearance of a domestic outbuilding. It is considered that it would not materially harm the character or appearance of the locality. Overall, the size and external appearance of the proposal would not be at odds with the existing dwelling on the site or the immediate area.

With regards to the proposed paving this can be installed under permitted development and does not unacceptably alter the overall appearance of the site.

In summary, the proposals are visually acceptable within the locality and comply with Policies 2 and 3 of the SELLP and Section 130 of the NPPF.

Impacts upon 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 closest neighbour to the proposed development is no.311 Broadgate Road located to the north of the application site. The garage extension would sit close to the shared boundary with this neighbour. However, given the relationship and the fact it would be sited adjacent to this neighbour's driveway. Given the modest footprint and height of the extension no unacceptable overshadowing or overbearing impact would result.

With regards to the neighbour at no. 309 Broadgate Road located to the south of the application site the proposed garage extension would be located approximately 10 metres from the shared boundary with this neighbour. Given the single storey nature of the extension this separation distance is considered sufficient as to not result in any unacceptable impact in terms of overshadowing or overbearing impact.

The proposal is not considered to increase noise levels from the site as the proposed annex would be ancillary to the existing dwelling on the site therefore there would not be an intensified use of the site and no new activities would be introduced.

As such, the proposals are not considered to unacceptably harm the residential amenity of adjacent neighbours by reason of unacceptable overshadowing, overlooking or noise. It therefore accords with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Parking

It is unknown the current number of bedrooms within the existing dwelling. Appendix 6 of SELLP 2019 sets out the highest number of car spaces is 3 for dwellings with 4 or more bedrooms. The existing driveway provides ample parking and is able to accommodate at least 3no vehicles. As such the site exceeds the current parking standards.

Flood Risk

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. The Environment Agency's Flood Maps 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. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth Maps) within the South Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

Large parts of the South Holland district lie within Flood Zone 3. As such, the opportunities to undertake the development at an alternative site with a lower flood risk are limited. At this location it is not possible to position the development on higher ground within the proposed site.

The site is located within North Level Internal Drainage Board District which operates 900mm free board within the main drain design standard to the lowest land level. The Environment Agency Flood Map advises there is no flood risk from flooding at reservoirs at this site. It also advises there is no extent of known flooding from surface water. The extent of flooding from rivers and the sea is

considered low.

The development therefore passes the Sequential Test and Exception Test and is therefore suitable for the proposed location.

The submitted FRA recommends that the floor levels shall be raised by 0.225m above surrounding ground level in order to further reduce risk of flooding.

Given the above and subject to the suggested mitigation measures within the submitted Flood Risk Assessment the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and Section 14 of the National Planning Policy Framework (2021) with regard to their provisions on flood risk and drainage.

Planning Balance

The principle of an extension and conversion of the garage into an annex is acceptable in this location given its ancillary nature and the fact it would be sited within the existing residential curtilage of 309A Broadgate Road.

The proposal will not materially harm the character or appearance of the locality, the amenity of nearby residents or result in flood risk/highway/parking issues. The planning balance is therefore considered to be in favour of the proposal.

CONCLUSION

In light of the considerations above, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (2021).

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

The application can be approved under delegated powers.