DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H21-0604-21	**Applicant:**	Mr T Clark
Proposal:	Conversion of one dwelling into two dwellings including demolition of sun room, erect two storey rear extension and alterations.		
Location:	3-5 Rectory Road Tydd St Mary Wisbech		
Terminal Date:	5th August 2021		

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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

NPPF 2021
Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
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
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the conversion of a four bedroom end terrace cottage to a two bedroom end terrace cottage and two bedroom mid terrace cottage. The proposal also includes two storey and single storey rear extensions and other external/internal alterations including a new front door.

Site Description

The property is a cream rendered end of terrace house situated on the western side of Rectory Road. A mid terrace house is situated to the north and a detached house to the south beyond a driveway serving 3-5 Rectory Road.

The site is located within Tydd St Mary Conservation Area.

Policies/Constraints

The site is inside Tydd Mary Settlement Limit and within the Conservation Area.

Recent History

None

Consultation Responses

Tydd St Mary Parish Council

Supported.

LCC Highway/SUDs

Does not wish to restrict the grant of permission.

North Level Internal Drainage Board

No comments.

Public - Resident comments received (summarised):
Recommend installation of Swift nesting boxes.

Planning Considerations

The main issues are:
- Principle;
- Character/appearance;
- The likely affect upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk and drainage.

Principle

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 is inside Tydd St Mary Settlement Limit as defined within the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the Local Plan indicates that within Minor Service Centres, including Tydd St Mary, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. Development will normally be limited to allocated and committed sites and infill. In this case, it is considered that the proposal constitutes infill because the building is within the village fabric. No objections are therefore raised in terms of location.

Character/Appearance

Policies 2 and 3 of the 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. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 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.

In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Policy 29 of the SELLP indicates that proposals should enhance or reinforce the character and appearance of a conservation area and not harm the setting of a heritage asset. Paragraph 199 of the Framework, 2021 states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The site is located within Tydd St Mary Conservation Area. The main alterations include the addition of a front door on the front elevation and new two storey and single storey elements at the rear. There would also be some alterations to the southern elevation. It is understood that the existing uPVC windows on the front elevation may be replaced at some stage. However, this element doesn't form part of the current application and could be undertaken as "permitted development".

The addition of a door on the front elevation is considered acceptable and is probably a re-instatement in any case. The alterations on the side elevation are relatively minor. The flat roof elements are similar to those on the property immediately to the north, which were allowed on appeal. They would not be readily visible from a public highway. It is considered that the proposal would not materially harm the character/appearance of the locality and/or Conservation Area.

The proposal satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Amenity

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

A mid terrace house is situated to the north (Wade Cottage). It has a flat roofed two storey and single storey extensions at the rear with a blank elevation facing south and boundary fencing. A detached house (Lanesra House) is located to the south beyond a driveway serving 3-5 Rectory Road. The house to the south has a blank gable end facing north.

The northernmost dwelling would have a rear first floor bedroom window, similar to an extension relating to the neighbouring property to the north, which was allowed on appeal (ref. H21-1422-04). Overlooking would therefore be oblique and typical of that relating to terraced houses where levels of privacy are somewhat reduced. Fencing presently exists along the northern boundary. The southernmost dwelling would have a bathroom window at the rear at first floor level. Its southern elevation would have a side door and kitchen window on the ground floor and a study widow at first

floor level, similar to that presently existing. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect and noise/disturbance.

The proposal satisfactorily complies with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan in terms of amenity.

Highway Safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage.

This proposal is for an existing cottage to be split to 2 dwellings. One would retain access and off road parking (2 plus spaces). The second dwelling would have on-street parking as indicated by the plans. This is not technically in accordance with Policy 36. However, LCC highways have been consulted and have indicated that, in this location, on street parking would not cause an unacceptable safety impact. They therefore consider the proposal to be acceptable on highway safety grounds.

Flood Risk

The site lies within Flood Zone 3 defined by the Environment Agency Flood Maps. The latter 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 Zones 2 and 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth Maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The hazard mapping within the SFRA shows the site to be unaffected if a breach of the flood defence were to occur. The site is therefore sequentially preferable in flood risk terms. The submitted Flood Risk Assessment recommends that all bedrooms be kept at first floor level and occupants should register for the EA flood alerts.

Drainage

Foul water would be discharged to a foul sewer. The changes to the property have a minor effect upon the impermeable area being drained and would be to existing soakaways.

Ecology

It has been requested that the proposed houses include swift nesting boxes. Both the SELLP and Framework indicate that opportunities should promote biodiversity enhancements in respect of new development. A condition is therefore considered justifiable in this case.

Planning Balance

No objections are raised in principle to an additional dwelling in this location, which is inside Tydd St Mary Settlement Limit. The proposal would not materially harm the character or appearance of the street scene or Tydd St Mary Conservation Area. The amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect and noise/disturbance.

The second dwelling would have on-street parking as indicated by the plans. This is not technically in accordance with Policy 36 of the SELLP. However, LCC highways have been consulted and have indicated that, in this location, on street parking would not cause an unacceptable safety impact. They therefore consider the proposal to be acceptable on highway safety grounds.

On balance, no adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when generally assessed against development plan policies and advice within 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.

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 proposal generally complies with the aims and objectives of Policies 1, 2, 3, 4, 11, 29, 30 and 36 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 5, 12, 14 and 16 of National Planning Policy Framework (2021).

Accordingly, it is recommended that the application be approved under delegated powers.