

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H21-0998-22 **Applicant:** Mr J Peggs

Proposal: Conversion of garage into dwelling (retrospective) - previously approved under H21-0725-20 including proposed extension

Location: 41a Station Road Tydd Gote Wisbech

Terminal Date: 12th 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
10	Meeting Assessed Housing Requirements
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 2021

- 2. Achieving sustainable development
- 3. Plan-making
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought to convert an existing detached garage block/workshop at No. 41 Station Road with first floor office/store into a 3 bed dwelling, including a front extension and alterations.

The application is a re-submission of a previously approved scheme H21-0725-20. The current application seeks the following amendments:

- Retention of existing access for use by new dwelling - 41B (This access originally served No.41 before new central access was approve and installed).
- Additional two-storey rear extension to dwelling (41A) to create a lounge and w/c on the ground floor and a third bedroom with an en-suite shower room on the first floor. The extension would measure 8 metres (depth) x 5.1 metres (width) and stand at 6 metres in height (4.6 metres to the eaves).
- Removal of trees to site frontage and replace with new laurel hedge (as previously approved) and new 1.2m post and rail fence.

Site Description

The garage block/workshop is located at the rear of No 41 Station Road (house) and is accessed by an existing access/driveway. It was previously associated with no.41 Station Road. A new two storey dwelling has been constructed to the east and a chalet bungalow is located beyond this, with a high Beech hedge and fencing on the common boundary. Residential properties are situated on the opposite side of Station Road. A chalet bungalow and associated outbuilding are located to the west (No. 39). A two storey dwelling is located to the south-west which was previously the principle dwelling.

Policies/Constraints

The site is inside Tydd Gote Settlement Limit and outside Tydd Gote Conservation Area (CA).

Recent History

H21-0984-22 - Erection of dwelling (retrospective) - previously approved under H21-0674-20 - Approved

H21-0725-20 - Proposed garage conversion to dwelling including extension - Approved

H21-0802-00 - Full - Construction of new garage and workshop - Approved

H21-0674-20 - Full - Proposed dwelling - Approved

Consultation Responses

Tydd St Mary Parish Council

Objection. All the non-compliance issues and constant retrospective applications for this site should be considered. Council have had grave concerns on this application from residents of the area. The proposal results in overdevelopment if the site.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board

It is recommended that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy the applicant would be expected to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3.

If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Residents

One letter of objection has been received from the neighbour at no.39 Station Road citing the following concerns:

- Conditions attached to the previous permission have not been complied with
- Discrepancies on the submitted plans/application
- Highway safety issues from the additional access point
- Construction vehicles use our driveway for turning
- Noise and vibrations from construction machinery
- Development not in keeping with the village setting
- Overdevelopment of the site
- West facing glazing in the two storey element at the rear overlooks no.39
- Flood risk concerns
- Bats roost in the trees on the northern boundary of the site
- Waste storage and collection not shown on the submitted plans
- A very large tank of diesel has been sited behind the garage conversion
- Insufficient parking and turning

Planning Considerations

Principle

As indicated in paragraph 47 of the National Planning Policy Framework, 2021, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The proposed development is inside Tydd Gote Settlement Limit as defined within the South East Lincolnshire Local Plan, 2019. Policy 1 (Spatial Strategy) of the Local Plan indicates that within Other Service Centres, including Tydd Gote, 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 envelope. No objections are therefore raised in terms of location.

Character/Appearance

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.

One letter of objection has been received from the neighbour at no.39 Station Road citing the concerns of overdevelopment of the site and that the development not in keeping with the village setting. The concerns are noted and discussed below.

The site is located outside Tydd Gote Conservation Area. There is an eclectic mix of dwellings in this part of the settlement, in terms of age, spacing, building line and design/appearance. No. 41 is a contemporary house. Nos. 39 and 43 to the west and east respectively are chalet bungalows. A detached house and two pairs of semi-detached Edwardian houses are located on the opposite side of Station Road.

The proposal remains largely the same as approved with the exception of a two-storey rear extension to dwelling (garage conversion) to create a lounge and w/c on the ground floor and a third bedroom with an en-suite shower room on the first floor. The extension would measure 8 metres (depth) x 5.1 metres (width) and stand at 6 metres in height (4.6 metres to the eaves).

It is accepted that the element to the rear significantly increases the footprint of the dwelling, however, the dwelling remains well spaced and satisfactorily fits within the plot. Sufficient outdoor amenity space is retained therefore the increase in the footprint of the dwelling is not considered to result in overdevelopment of the site. The use of materials in the extension to match the existing building would further ensure the development is not at odds with the existing building. Overall the proposal would remain a sympathetic conversion and would not be readily open to view from Station Road due to existing buildings and planting and the fact that it is set back. It would not materially harm the character/appearance of the locality or setting of the Conservation Area.

Removal of trees to site frontage and replacement with a new laurel hedge (as previously approved) and new 1.2m post and rail fence is also considered acceptable as the trees have already been felled and the Authority has no control over this matter because the trees were not the subject of a tree preservation order or within the Conservation Area. The hedging along the front boundary has been removed, however, the majority of this is proposed to be replaced.

The current scheme also proposes the retention of existing access and this is not considered to materially change the overall appearance of the site therefore this element can be accepted.

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

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.

One letter of objection has been received from the neighbour at no.39 Station Road citing the concerns of noise and vibrations from construction machinery and overlooking from the glazing in the western elevation of the two storey element to the rear. The concerns are noted and discussed below.

The building is set to the rear of no 41, which is a house with its main elevation facing east. Nos. 39 and 43 to the west and east respectively are chalet bungalows. A detached house and two pairs of semi-detached Edwardian houses are located on the opposite side of Station Road.

The building is set some 11 metres from the western boundary and has no first floor windows on its western elevation with the exception of rooflights. There would not be any unacceptable overlooking from the rooflights as these would only overlook nearby properties at an oblique angle or distance. The dwelling would have first floor bedroom windows on its front elevation, but is set back some 16.3 metres from No 41 and 22 metres approximately from the rear of No. 39 to the south-west. No. 41 has no principal windows on its northern elevation. The only first floor window on the eastern elevation is an en-suite window, which will be obscure glazed therefore no overlooking would result from this. An existing external staircase on the eastern elevation of the building would be removed. Overlooking of nearby property would either be at an oblique angle or at an acceptable distance. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of

overlooking, lack of privacy, overshadowing, overbearing effect, etc, subject to appropriate boundary screening.

It is accepted that there would be some additional noise and disturbance generated by additional vehicles and general activity within gardens, etc, as well as constructional work. However, the latter would be temporary. It is considered that there is not sufficient reason to refuse the application on the grounds of noise and disturbance.

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

Highway Safety

Concerns have been raised by a neighbour with regards to parking and safe manoeuvrability within the site. It is accepted that the proposal may well result in an increase of movements onto Station Road and it is noted that vehicles associated with properties opposite have to park on the highway.

The applicant proposes to construct a central shared access. An existing hedge would be removed to achieve satisfactory visibility at the entrance. A maximum of 3no off-street parking spaces are required for the site. The new dwelling would have sufficient space for at least 3 vehicles. LCC Highways have been consulted and have not objected to the proposal on highway safety grounds, subject to informatives.

A separate application has been submitted for the new dwelling to the front to be accessed from the original vehicle access crossing that served the host dwelling, number 41 Station Road (rather than, as was originally proposed, for it to be closed-up) so that it has a separate rather than a shared drive.

This application is to utilise the consented new driveway to access the host dwelling and a new, separate dwelling that is to be created by converting the garage of 41 Station Road. In highway terms there would be no increased usage of the new access and driveway, as it would still serve just two dwellings - as previously consented.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan in terms of highway safety/parking requirements.

Flood Risk

The site lies within Flood Zone 2 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. In this case, it is recommended that finished floor levels should be set 300mm above existing ground level.

Drainage

Surface water would be disposed of to soakaways. It is considered that there is sufficient area within the plot to cater for soakaways and any necessary drainage field, plus any foul water package treatment plant. Drainage can be addressed by means of a condition.

Other Matters

Concerns have been raised by a neighbour that conditions attached to the previous permission have not been complied with. The concerns are noted, however, the current application seeks amendments therefore the majority of the conditions are not applicable and any conditions attached to this planning permission will be monitored by the Enforcement Team to ensure compliance.

No.39 has raised concerns that construction vehicles associated with this development have been

using their driveway for turning. The concerns are noted, however, unfortunately this is a civil matter therefore the application could not reasonably be resisted on this basis, especially given there is sufficient space within the site for turning.

This neighbour has also highlighted that details of waste storage/collection have not been shown on the submitted plans. The concerns are noted and a condition has been attached to the planning decision requesting the submission of these details at a later stage.

Issues have been raised over the accuracy of the plans and documents submitted. It is considered that the submitted details are sufficient to enable the Authority to make a reasoned decision.

It has been highlighted that a large tank of diesel has been tucked behind the garage conversion. The concerns are noted, however, this does not require planning permission given its location to the rear of the site.

With regards to concerns raised over the loss of trees and disturbance to wildlife, the loss of trees has already been addressed. Concerning protected species, there is now real evidence of their presence. However, it is recommended that a note be attached to any approval reminding the applicant of his obligations in this respect.

Concerns have been raised over possible vibration from construction machinery on the site. The concerns are noted, however, the site is near completion therefore it is not considered necessary to request a construction management plan at this stage.

Planning Balance

The site is within the Tydd Gote settlement boundary and forms the residential curtilage of an existing dwelling therefore the principle of residential development is acceptable. In addition, permission has previously been granted to convert the building into a separate dwelling.

The proposal is in a sustainable location for new housing. It is considered, on balance, that a single dwelling would not materially harm the character or appearance of the locality, the adjacent listed building nor would the proposal materially harm the amenity of neighbouring residents in terms of lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. LCC Highways have been consulted and have raised no objections on highway safety grounds. The proposal satisfies the sequential/exceptions tests in terms of flood risk.

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.

Taking into account the above, this application complies with Policies 1, 2, 3, 4, 11, 28, 29, 30, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 3, 4, 5, 9, 11, 12, 14, 15 and 16 of 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

That the application be approved under delegated powers.