

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H23-0342-21 **Applicant:** Mr & Mrs James
Proposal: Construction of detached one bedroom annexe to rear of property.
Location: 55 Broadgate Whaplode Drove Spalding
Terminal Date: 26th May 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
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 8, 12 and 14

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a self-contained detached one bedroom annex at the rear of the property. It would be occupied by the applicants. Their daughter would move into the main house.

Site Description

The building would be located on a grassed area at the rear of the existing house adjacent existing outbuildings/stables. A paddock is located to the rear.

A house is located to the north, which is set well back. A bungalow and associated outbuildings are situated to the south. Native hedging runs along part of the common boundary where the new building would be situated.

History

No recent history

Consultation Responses

Whaplode Parish Council

Support.

Cllr. A Beal

Assume that occupancy will be restricted to family/owners.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board

If surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection

No comments or objections.

Planning Considerations

The main issues in this case are:

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

Principle/Policy

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 area of land where the annex would be constructed is outside Whaplode Drove 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 to the existing dwelling (No. 55 Broadgate). The latter is within Whaplode Drove Settlement Limit, which is a frontage dwelling that forms part of the fabric of the existing village. The annexe would be occupied by the applicants, whilst their daughter would move into the main house. It would enable the family to remain as a family unit, whilst providing a degree of independence for both parties.

The proposal is closely related to the main 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. This is subject to a condition restricting occupation to family members only.

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

Character/Appearance

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. They are consistent with advice within the National Planning Policy Framework (NPPF), 2019. Paragraph 127 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.

The proposed building (single storey) would be located at the rear of the main dwelling and would have dimensions of 8m x 8.7m approximately. It would be timber clad with a concrete interlocking tiled roof. The building would be subservient to the main dwelling and take on the appearance of a domestic outbuilding, not dissimilar to the existing stables. It is considered that it would not materially harm the street scene or the character or appearance of the locality.

Consequently, the proposal does not materially conflict 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) 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 (2019). Paragraph 127, amongst other matters, seeks places with a high standard of amenity for existing and future users.

A house (no. 53b) is located to the north, which is set well back. A bungalow and associated outbuildings (no. 57) are situated to the south. The northern and southern elevations would be blank with the main outlook towards the rear facing the paddock. The property to the north is shielded by an existing stable block, whilst native hedging presently exists along the southern boundary, with outbuildings associated with no. 57 beyond. The proposal would not materially harm the amenity of nearby residents in terms of overbearing effect, 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

An existing access would be utilised and ample car parking is available upon the site. There are therefore no highway safety issues in this case. The proposal is in accordance with Policies 2, 3 and 36 of South East Lincolnshire Local Plan, 2019 in this respect.

Flood Risk

The site is within Flood Zone 1 and has no flood hazard in accordance with information produced by the Environment Agency and South East Lincolnshire SFRA respectively.

Policy 4 of SELLP is concerned with flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

In this case, it is recommended that finished floor levels be set 300mm above ground level. Foul and surface water would be disposed of to a septic tank and soakaways respectively. The site is large enough to accommodate any necessary associated drainage fields.

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 restricting occupation to family members only. 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, overshadowing, overbearing effect, noise and disturbance etc. There are no highway or flood risk issues in this case.

The proposal therefore satisfactorily complies with Policies 1, 2, 3, 4 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2019. There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the scheme and the policies referred to above.

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

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.