

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H23-0900-22	Applicant:	Mr & Mrs T Darlow
Proposal:	Proposed Garage/Workshop including Self Contained Annexe		
Location:	The Limes 315 High Road Whaplode		
Terminal Date:	8th November 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
30	Pollution
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	1	0	0
WARD MEMBER	0	0	0	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application seeking permission for a detached building to the north-west of the existing dwelling on the site. The building would have a workshop, utility room, w/c and a garage on the ground floor with 2no bedroom, bathroom and an open plan kitchen/living/dining area above. The external materials would match the existing dwelling on the site. the annex would be occupied by the applicant's family members.

SITE DESCRIPTION

The site is located on High Road in Whaplode. It is within the Whaplode settlement boundary. The site comprises a detached two storey dwelling set back from the road by some 20 metres. The dwelling benefits from generous gardens to the front and rear. There is a large driveway to the front providing off-street parking provision for several vehicles. High level trees form the northern and western site boundaries. The immediate area comprises dwelling of varying designs, sizes and ages.

RELEVANT PLANNING HISTORY

H23-0694-12 - Proposed pair of semi-detached dwellings - Refused

REPRESENTATIONS

Whaplode Parish Council

Supports the scheme.

South Holland Internal Drainage Board

If (following testing) a strategy wholly reliant on infiltration is not viable and a 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). If the applicant wishes to discharge foul water to a watercourse this proposal will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). If the proposals do involve the alteration of a watercourse, consent would be required under the Land Drainage Act 1991 (and Byelaw 4).

Residents

One local resident has objected to the scheme citing the following concerns:

- The building would overshadow the neighbouring house as half of the building would project forward of this property.
- Overlooking from the proposed building

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 site is within the Whaplode 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 proposed garage/workshop and 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 its uses.

The proposed building would sit forward of the existing house, however, given there is no strong building line it cannot be argued that the development is out of character. There would not be any prominent views of the proposed building given the high level trees along the northern boundary. The proposed annex is considered to relate well to the existing house as the access, parking and garden would be shared

It is accepted that the building has a large footprint, however, it would still be subservient to the main dwelling and take on 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.

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. 321 High Road. An objection to the scheme has been received on the grounds that the building would overshadow no.321 as half of the building would project forward of this property and also result in overlooking. The concerns are noted, however, given the high level trees along the western boundary the proposed building would be well screened from the adjacent property. One first floor bedroom window is proposed in the side elevation facing this neighbour, however, it is not considered that any overlooking or loss of privacy would result from this given the high level trees along the western boundary. In any case if the trees were removed in the future the window in question would not offer any direct views into a primary window therefore it can be accepted. The front projecting element would sit adjacent to this neighbour's front garden. Given this is not their main or only outdoor amenity space any potential impact on this area can on balance be accepted.

With regards to all other neighbours the proposed building would be sited a significant distance away therefore no overshadowing or overbearing impact would result.

As such the proposal would accord 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.

Drainage

Policy 4 of the SELLP relates to flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); it 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).

South Holland Internal Drainage Board has advised that if existing soakaways are to be used to serve the additional impermeable area then it is recommended that the applicant satisfy themselves

that they will be able to efficiently dispose of the additional surface water runoff. If new soakaways are proposed, it is advised that these are appropriately distanced from the existing soakaways and that infiltration testing in line with BRE Digest 365 (or equivalent) is undertaken to determine its efficiency. If infiltration is not feasible at this site, following the drainage hierarchy it would be expected the applicant proposes to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. It is noted that the applicant intends to dispose of foul water to a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3. The applicant should confirm if there are any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. 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). An informative has been attached to the planning decision advising the applicant of this.

Given the above 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).

Planning Balance

The principle of an annex, workshop and garage is acceptable in this location given its ancillary nature and the fact it would be sited within the existing residential curtilage of The Limes.

The proposal will not materially harm the character or appearance of the locality, the amenity of nearby residents or result in drainage or 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, 30, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019) and Sections 12 and 14 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.