

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Development Manager

**To:** Planning Committee - 13 November 2019

**(Author:** Joan Isus - Planning Officer)

**Purpose:** To consider Planning Application H23-0849-19

**Application Number:** H23-0849-19

**Date Received:** 27 August 2019

**Application Type:** FULL

**Description:** Siting of outbuilding used for music room and self-contained accommodation comprising living room, kitchenette, bedroom, shower room and storage

**Location:** SYCAMORES BACK BANK WHAPLODE DROVE

**Applicant:** Mr Peter Mallett

**Agent:** Mr Peter Mallett

**Ward:** Crowland and Deeping  
Whaplode and Holbeach St  
Johns

**Ward Councillors:** Cllr B Alcock  
Cllr J R Astill  
Cllr N H Pepper  
Cllr A C Beal  
Cllr P A Redgate

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H23-0849-19>

### **1.0 REASON FOR COMMITTEE CONSIDERATION**

1.1 One of the objectors is an employee of South Holland District Council.

### **2.0 PROPOSAL**

2.1 This is a retrospective application for an outbuilding used as a music room and self-contained accommodation comprising living room, kitchenette, bedroom, shower room and storage at Sycamores, Back Bank, Whaplode Drove, Spalding.

2.2 The applicant has stated that the building would be used by him for music rehearsal and relatives and friends would be those staying overnight in the accommodation.

### **3.0 SITE DESCRIPTION**

3.1 The site is within the development boundary for Shepeau Stow in the South East Lincolnshire Local Plan. The urban pattern of the village is characterised by linear development along Drove Road and Dowsdale Bank. The application site is part of a modest cluster of properties near the crossroad between Back Bank and the aforementioned roads.

3.2 The site is spacious and rectangular. The property Sycamores is an old cottage built circa late C19 and early C20. Its principal elevation is in very close proximity to Back Bank. There is a gravel driveway with turning point running in parallel with the western site boundary. The remainder of the rear garden is laid in lawn.

3.3 To the west, The Red Last is also two-storey cottage of similar age and the shared boundary is treated with nearly 2 metre high timber close board fencing to the front and higher mature hedgerow to the rear. To the east, a pair of semi-detached houses approved under ref. H23-0556-18 are under construction. To the north, open fields extend further away. The outbuilding is slightly set back from the rear and western boundary. There is no treatment on the eastern and rear boundaries.

## 4.0 RELEVANT PLANNING POLICIES

### 4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

Policy 1 Spatial Strategy  
Policy 2 Development Management  
Policy 3 Design of New Development  
Policy 30 Pollution

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### National Guidance

National Planning Policy Framework (NPPF), 2019

Section 2. Achieving sustainable development  
Section 4. Decision-making  
Section 12. Achieving well-designed places

Planning Practice Guidance (PPG)

## 5.0 RELEVANT PLANNING HISTORY

5.1 None.

## 6.0 REPRESENTATIONS

### 6.1 Ward member

Cllr A Beal - No negative impact upon the neighbours is anticipated. However, it is requested the use of the building be restricted solely to the residents of the main property.

### 6.2 County Historic Environment Officer

No archaeological impact.

### 6.3 Public

Two representations have been received objecting to the proposal on the following grounds:

- The outbuilding has been rented out to unrelated individuals to the residents of the main property for a minimum of 8 months between 2018 and 2019.
- Loss of privacy in light of the non-ancillary use and building location within the site.
- Unsympathetic appearance and negative visual impact of the outbuilding upon the character of the area.
- The use of the outbuilding should be restricted to being entirely ancillary to the main dwelling should planning permission be granted
- Further on-street parking due to the occupiers of the outbuilding would be detrimental to the safety of road users.
- The large windows on to the rear might not comply with Building Regulations.

## 7.0 CONSIDERATIONS

### 7.1 Planning Considerations

#### 7.2 Principle of development

7.3 The site is within the settlement boundaries of Shepeau Stow as set out in the Policies Map of South East Lincolnshire Local Plan (SELLP), 2019. As such, there is no objection to the principal of an outbuilding incorporating ancillary accommodation to the main dwelling. The key policy issues therefore relate to its design and impact upon the residential amenity of nearby dwellings

#### 7.4 Scale, design and layout

7.5 The maximum dimensions of the outbuilding would be approximately 6 metres in depth, 8 metres in width and 2.7 metres in height. The unit is commensurate with the houses in the vicinity in terms of scale, mass and bulk. The form of development would not appear cramped and is well accommodated within the site.

7.6 The outbuilding is a pre-fab structure with a felted flat roof and white UPVC cladding on the external walls. The storage element is to the front at a lower height. Internally, the finished floor levels are slightly raised above the ground. From the door, there is a hallway straight to the rear with the shower room to the left. The kitchenette with living room are at the end of the hall. To the right, there is a small bedroom. There is an independent access door to the storage element on the front elevation.

7.7 The development is characteristic of pre-fab structures for ancillary use within a domestic curtilage. The main dwelling and adjacent property are both rendered and painted white, thus the finish of the structure is considered acceptable and there is no significant harm upon the character of the local area to warrant refusal of this application.

#### 7.8 Impact upon residential amenity

7.9 There is a separation distance of approximately 18 metres with the adjacent cottage to the west The Red Last and 15 metres with the main dwelling. However it does adjoin the boundary with The Red Last. There would be a similar distance with the houses being built to the east. A more than 2 metre high mature hedgerow is on the western boundary which is the nearest boundary to the development. Having also regard to the scale of the outbuilding, no overbearing impact is anticipated to the residents of both main dwelling and those of the nearest property.

7.10 At such distance, the noise and disturbance associated to music rehearsal would not be in principle unacceptable. However, planning permission should be conditioned to keep doors and windows closed at all times that music is being played inside the outbuilding with the aim of providing further protection of the amenity of residents nearby.

#### 7.11 Highway safety and parking provision

7.12 Back Bank is a narrow countryside lane with little space for on-street parking. However, at least 4 car parking spaces would be available on the driveway and rear garden. Most of the parking space has gravel surface which would prevent the deposit of mud on the public highway from the site. The outbuilding would not entail an excessive increase of the number of motor vehicles within the curtilage.

7.13 For these reasons, it is not anticipated that the development would entail a severe cumulative impact on highway safety.

#### 7.14 Other considerations

- 7.15 The site is located within Flood Zone 1 which means that the land has a low probability of receiving flooding. As the unit would not be for permanent residential use, flood risk is not a relevant material consideration when applying the planning balance on this proposal.
- 7.16 **Conclusion**
- 7.17 The principle of development for the proposal is overall acceptable given the ancillary character of the development to the main dwelling and site location within the settlement boundaries of Shepeau Stow.
- 7.18 The scale and height of the outbuilding are commensurate with the built environment in the locality. The appearance would be acceptable without any significant harm upon the character of the local area.
- 7.19 Amenity concerns when playing music would be addressed by conditioning the permission to keep doors and windows closed at all times when music is being played inside the outbuilding. The use of the outbuilding would be restricted as an annexe in the interest of amenity standards of residents nearby.
- 7.20 No potential impact upon the highway safety is identified given the existing car parking space within the curtilage and the negligible consequence of the development in terms of number of motor vehicles to park.
- 7.21 Overall, the proposal is considered to be in conformity with Policies Policy 1 (Spatial Strategy) Policy 2 (Development Management) and Policy 3 (Design of New Development) of the adopted Local Plan.

## 7.22 **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.

## 8.0 RECOMMENDATIONS

8.1 Grant permission subject to the conditions set out in Section 9.0 of this report.

## 9.0 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan,  
Block Plan,  
Photographs of the outbuilding

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The accommodation hereby permitted shall be and shall remain incidental to the use of the dwelling known as Sycamores, shall not be sold or let off separately, and shall be used only by members of the family of the occupier of that dwelling.

Reason: The Local Planning Authority consider that the proposed annexe would be inappropriate for occupation independent of the main dwelling by virtue of the substandard level of accommodation of the annexe and the physical relationship between the annexe and the main house which would create inadequate levels of residential amenity for the occupiers of both.

This Condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019.

3. Doors and windows shall be kept closed at all times that music is being played inside the proposed summerhouse.

Reason: To ensure that there is no noise nuisance to nearby residents.  
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

4. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

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Background papers:- Planning Application Working File

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### Lead Contact Officer

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### Appendices attached to this report:

Appendix A Plan A

# MapThat Scale Print Title

