

SUMMARY OF APPLICATION			
<b>Application Reference</b>	B/20/0462		
<b>Application Type</b>	Full Planning Permission		
<b>Proposal</b>	Proposed extension & alterations to existing detached garage (incidental use) to form an ancillary residential annex		
<b>Location</b>	65, West End Road, Frampton, Boston, PE20 1BT		
<b>Applicant</b>	Mr Marshall, C/O Clarke Group Construction Ltd		
<b>Agent</b>	Mr James Bramma, JB Architectural Design Services		
<b>Received Date:</b>	19-Nov-2020	<b>Consultation Expiry Date:</b>	22-Dec-2020
<b>Valid Date:</b>	20-Nov-2020	<b>Statutory Expiry Date:</b>	15-Jan-2021
<b>Date of Site Visit:</b>	31-Dec-2020	<b>Extension of Time Date:</b>	
<b>Objections received?</b>	None		
<b>5 day notification record:</b>	Not applicable		
<b>Councillors notified</b>	<b>Date</b>	<b>Response received – date</b>	<b>Ok to continue</b>
<b>Recommendation</b>	GRANT Planning Permission		
<b>Report by:</b>	Simon Eldred		
<b>Date:</b>	4 <sup>th</sup> January 2021		

## OFFICER REPORT

### SITE AND SURROUNDINGS:

The application site is located on the north-eastern side of West End Road, Frampton West. The site is occupied by a detached single-storey dwelling, a detached double garage, and densely-planted domestic gardens (with several trees protected by the Frampton Tree Preservation Order No. 8 and the Kirton and Frampton Tree Preservation Order No. 2).

The site is located at the edge of the settlement, with other residential properties to its west and south (on the opposite side of the Road), an agricultural field to its north, and agricultural fields to its east.

### DETAILS OF PROPOSAL:

It is proposed to extend and alter the existing detached double garage to enable its use as an ancillary residential annexe. The extension/alterations involve no increase in the building's footprint, but involve:

- an increase in its height from 4.5m (2m at eaves-level) to 5.8m (3.3m at eaves-level). The additional wall height will be finished in waney-edge timber cladding, and the roof will be finished using the existing roof tiles;



- the creation of first-floor within the building, providing an open-plan lounge/diner/kitchen, a bedroom, a bathroom and a landing, and the sub-division of the ground-floor to provide an entrance lobby, utility room and staircase whilst retaining the majority of the ground-floor space as a garage;
- the replacement of the more northerly garage door with a new entrance door with side-lights;
- the installation of first-floor windows in both side elevations; and
- the installation of roof-lights in the front and rear roof-slopes.

### **RELEVANT HISTORY:**

B/20/0146 – an application for full planning permission for the conversion of an existing shed to a 1-bed dwelling was withdrawn.

### **RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:**

The **South East Lincolnshire Local Plan 2011-2036** shows the site as being within Frampton West's Settlement Boundary, but no specific allocations or designations apply. The relevant Policies of the Local Plan are:

- Policy 1: Spatial Strategy;
- Policy 2: Development Management;
- Policy 3: Design of New Development;
- Policy 4: Approach to Flood Risk; and
- Policy 28: The Natural Environment.

### **OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:**

At the heart of the **National Planning Policy Framework (2019)** is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 4: Decision-making;
- Section 12: Achieving well-designed places;
- Section 14: Meeting the challenge of climate change, flooding and coastal change; and
- Section 15: Conserving and enhancing the natural environment.

### **CONSULTATION RESPONSES:**

The Environment Agency indicates that the proposal can be classified as 'minor development' in relation to flood risk, and that it was not therefore necessary to consult the Agency.

Frampton Parish Council indicates that it has no comments or observations other than to ask that any planning permission should include a condition to stipulate that the annexe must remain part of the existing dwelling.

Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) concludes that the proposals would not be expected to have an unacceptable impact upon highway safety, and that it therefore does not wish to object.

### **THIRD PARTY REPRESENTATIONS RECEIVED:**

At the time of writing, no third party representations have been received.

## **EVALUATION:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the Plan unless material considerations indicate otherwise. The key considerations in regards to this application are: matters of principle; impacts on the character and appearance of the area; impacts upon neighbours' amenity; impacts upon protected trees and flood risk.

### ***Principle***

Policy 1 of the Local Plan identifies that, within Frampton West's Settlement Boundary, development will be permitted that supports its role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

Provided the use of the annexe is ancillary to that of the main dwelling, it is considered that the proposal meets these requirements of Policy 1. However, it will be necessary to apply a condition to ensure that the annexe will be occupied only for purposes ancillary to the residential use of 65 West End Road, Frampton West (as also requested by the Parish Council).

Subject to the above condition, it is considered that the proposal accords with the principles set out in Policy 1 of the Local Plan.

### ***Character of the area***

Policy 2 of the Local Plan indicates that developments will be permitted which will not have harmful impacts upon the character and appearance of the area.

The garage building is located approximately 90m from West End Road and is therefore not a prominent feature in the streetscape/landscape. The proposal involves:

- only a relatively minor increase in its height and no increase in its footprint;
- only relatively minor changes to the appearance of its southern and eastern elevations (which are visible from public vantage points); and
- the use of materials that will complement the building's existing appearance and the character of the wider area.

The annexe will not appear as a separate dwelling, and the parking/manoeuvring and garden areas of the curtilage will be shared by the original dwelling and the annexe. As a consequence, it is considered that the original dwelling and the annexe will appear functionally linked, and will fall within the same planning unit as defined by the red line which defines the application site.

Taking the above into account, it is considered that the proposals meet these requirements of Policy 2.

### ***Neighbours' amenity***

Policies 2 and 3 of the Local Plan require the amenity of neighbouring land users to be protected.

The application site has agricultural land to its north and east, and it is not considered that the proposals will have any adverse impacts upon these neighbouring land users. Furthermore, the

existing garage is located approximately 90m from the curtilages of the dwellings to the south and, at this distance, it is considered that there will be no adverse impacts. However, potential impacts upon the dwelling to the west (Hedgerow House, 67 West End Road) require more detailed consideration.

The proposal does not involve any increase in the garage building's footprint, but does involve an increase in its height from 4.5m (2m at eaves-level) to 5.8m (3.3m at eaves-level). However, the garage building is located approximately 20m from the curtilage to Hedgerow House (approximately 35m from the dwelling itself) and the intervening garden is densely planted. As a consequence, it is considered that there will be no adverse impacts in terms of over-shadowing, loss of light or harm to outlook.

The proposal involves the installation of a first-floor window in the building's southern elevation and two roof lights in its western roof-slope, all of which could potentially provide views towards Hedgerow House and its gardens. However, once again, it is considered that the separation distances involved and the dense planting of the intervening garden will ensure that there will be no harmful overlooking which might impact upon the privacy of Hedgerow House's occupiers.

In all, therefore, it is considered that the proposal will not harm neighbours' amenity and that it meets these requirements of Policies 2 and 3.

### **Protected trees**

Policy 3 seeks existing trees to be incorporated into development proposals, whilst Policy 28 requires all development proposals to protect the biodiversity value of trees (including veteran trees).

The application site contains a number of trees which are protected by the Frampton Tree Preservation Order No. 8 (1989) and the Kirton and Frampton Tree Preservation Order No. 2 (1957). The majority of these are located towards the site's frontage onto West End Road and will not be affected by the proposal – Drawing Number MSP-01 Rev B indicates that no alterations to access or parking arrangements are proposed at the southern end of the site. However, one protected tree is located at the northern end of the site (a mature sycamore, protected as T20 of the Frampton Tree Preservation Order No. 8 (1989), which is growing approximately 5m from the garage building).

Given that the proposal does not involve any increase in the garage building's footprint, it is considered that there will be no threat to the sycamore's health from excavations that might sever roots. Nonetheless the construction process potentially presents a risk to the tree (e.g. through ground compaction from the movements of construction vehicles or the storage of materials, the spillage of potentially harmful chemicals onto the root-system, etc.), and it is therefore considered necessary to impose a condition to protect the tree during this period.

The proposal involves the introduction of a residential use into what has formerly been a domestic garage, and this has the potential to increase future pressure for the pruning or felling of the protected tree, if the future occupier feels over-shadowed or otherwise threatened by the tree – indeed Drawing Number MSP-01 Rev B is annotated to indicate *“existing tree to be lightly pruned where required”*. However, it is considered that the tree is sufficiently distant from the building to mean that residential use will happily co-exist with the tree, even considering that a first-floor window will look directly towards the tree (given that this window will only serve a landing and not a habitable room). Nonetheless, it is considered prudent to include an advisory note on the

decision notice to clarify that consent will be required for any pruning of the protected tree (other than works necessary to implement the planning permission or works covered by other exceptions).

In all, it is considered that (subject to the above condition) the proposal will not harm protected trees, and that it therefore meets these requirements of Policies 3 and 28.

### ***Flood risk***

Policy 4 seeks to ensure that new development is not unnecessarily exposed to flood risk, and does not increase flood risk elsewhere.

The application is accompanied by a Flood Risk Assessment (FRA) which identifies potential sources and likely severity of flooding, and indicates that:

- the ground floor living accommodation will be at 4.2m ODN (i.e. above the 1 in 200-year flood level);
- flood resilience will be built-in, by:
  - avoiding the use of plasterboard in the lower ground-floor walls or, if such boards are to be used, laying them horizontally;
  - avoiding the use of absorbent cavity wall insulation to the ground-floor;
  - the use of treated and sealed timber skirting and architraves; and
  - where practical, routing all service circuits at first-floor level and installing boilers and socket outlets more than 0.5m above ground-floor level; and
- flood resistance will be built in, by the fitting of anti-flood valves to all external drainage pipes.

It is considered that the proposals meet the requirements of Policy 4.

### **CONCLUSION:**

Subject to conditions, the proposal:

- will have no unacceptably adverse impacts on the character and appearance of the area;
- will have no unacceptably adverse impacts on neighbours' amenity;
- will not harm protected trees;
- is acceptable in flood risk terms; and
- meets the requirements of the relevant Policies of the South East Lincolnshire Local Plan 2011-2036

### **RECOMMENDATION:**

GRANT Planning Permission subject to the following conditions and reasons:-

CONDITIONS / REASONS	
Pre-commencement conditions?	Agreed with applicant/agent - Date:
1	The development hereby permitted shall be begun before the expiration of four years from the date of this permission.

	<b>Reason:</b> Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.
2	<p>The development hereby permitted shall be carried out in strict accordance with the application received 19-Nov-2020 and in accordance with the associated plans referenced:</p> <ul style="list-style-type: none"> <li>• Drawing Number MSP-01 Rev B: Proposed Site &amp; Location Plan; and</li> <li>• Drawing Number PPE-01 Rev A: Proposed Plans &amp; Elevations.</li> </ul> <p><b>Reason:</b> To ensure the development is undertaken in accordance with the approved details, in the interest of residential amenity and to comply with Policies 2, 3, 4 and 28 of the South East Lincolnshire Local Plan 2011-2036.</p>
3	<p>The annexe accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the existing dwelling as shown on drawing MSP-01 Rev B: Proposed Site &amp; Location Plan and as identified by the site edged red on the approved plan.</p> <p><b>Reason:</b> To ensure the building is used in accordance with the intentions identified in the application, to prevent the creation of an additional dwelling on the site, and to comply with Policies 1, 2, 3 and 4 of the South East Lincolnshire Local Plan 2011-2036.</p>
4	<p>The sycamore tree located to the north of the garage building (T20 of the Frampton Tree Preservation Order No. 8) shall be protected during construction work by chestnut pale fencing or similar fencing 1.5 metres in height erected around the tree at a distance from the trunk equal to the spread of its crown. The fence shall be retained until all construction works have been completed. Within the protected area no alteration to the ground level shall take place, no additional water shall be allowed to flow in, no vehicles shall be allowed to pass, no materials shall be stored, no waste tipped, no fires lit, no pruning of branches shall take place and no services shall be routed.</p> <p><b>Reason:</b> To protect the tree during construction work in accordance with Policies 3 and 28 of the South East Lincolnshire Local Plan 2011-2036.</p>

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE	
<p><u>STATEMENT OF PROACTIVE WORKING:</u></p> <p>In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.</p>	
<p><b>Advisory Note</b></p>	

It is noted that Drawing Number MSP-01 Rev. B (Proposed Site & Location Plan) indicates the intention for the existing tree located to the north of the garage building to be “*lightly pruned where required*”. You are reminded that this tree is protected as T20 of the Frampton Tree Preservation Order No. 8 (1989) and that, whilst you may carry out:

- such works as are necessary to implement this planning permission; and
  - other works which may be exempted from the need for consent,
- the Borough Council’s consent is required for any other works to this tree.