

# Development Management Delegated Decision Report

B/21/0310



## SUMMARY OF APPLICATION

Application Reference	B/21/0310		
Application Type	Full Planning Permission		
Proposal	Extension of existing annexe to create 2 bedroomed guest annexe		
Location	Creamery Cottage, Hall Lane, Algarkirk Boston PE20 2HG		
Applicant	Ms Loizou		
Agent	Design and Management.co.uk		
Received Date:	25-Jun-2021	Consultation Expiry Date:	14-Sep-2021
Valid Date:	02-Aug-2021	Statutory Expiry Date:	27-Sep-2021
Date of Site Visit:	16-Sep-2021	Extension of Time Date:	22-Oct-2021
Objections received?	One neighbour comment received and Parish Council comments that do not state that they object but do raise issues.		
5 day notification record:			
Councillors notified	Date	Response received – date	Ok to continue
Recommendation	Approve		
Report by:	Consultant Planning Officer		
Date:	07/10/2021		

## OFFICER REPORT

### SITE AND SURROUNDINGS:

The application site consists of a dwellinghouse with existing outbuildings that are used for ancillary accommodation. In addition there is a two storey outbuilding, thought to formally be a coach house located within the grounds of the dwellinghouse.

The site is formed of a verdant setting with significant mature trees around the site. Built form is set well back from Hall Lane, and the dwellinghouse and outbuildings are not readily visible without physically entering the site.

In close proximity bordering the site to the south west is the two storey detached property, The Old Rectory. Two further neighbouring residential properties are located to the north west. Agricultural land is located to the east.

### DETAILS OF PROPOSAL:

The proposal involves a single storey extension that links two existing single storey outbuildings



to form a bedroom and hallway to connect the accommodation together. Both existing outbuildings are used as ancillary accommodation to the dwellinghouse.

### **RELEVANT HISTORY:**

**B/18/0017** - Front extension and alterations to roof at rear of garage building and Change of Use of former dairy room/creamery and other outbuildings along with associated land and existing paddock area to special needs school (Class D1) – Approved 25<sup>th</sup> October 2018

**B/15/0461** – Conversion and extension to existing garage/store/office building to create dwellinghouse – Approved 8<sup>th</sup> February 2016

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

#### **South East Lincolnshire Local Plan (2011-2036)**

The following policies contained within the South East Lincolnshire Local Plan (2011-2036) (i.e. SELLP) are relevant to this application:

- Policy 2: Development Management
- Policy 3: Design of New Development
- Policy 4: Approach to Flood Risk
- Policy 29: Historic Environment

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

#### **National Planning Policy Framework (2021)**

At the heart of the 2021 Framework 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
- Section 16: Conserving and enhancing the historic environment

### **CONSULTATION RESPONSES:**

**Lincolnshire County Council Highways Authority and Lead Local Flood Risk Authority (10<sup>th</sup> August 2021)** - Does not wish to restrict the grant of permission.

**Algarkirk Parish Council (20<sup>th</sup> September 2021)** - After much discussion, The Algarkirk Parish Councillors would like to bring the following issues to your notice and addressed.

1. The application for this “Annex” states that there is mains sewerage. This is not true, there is only a septic tank.

2. The application is rather confusing, the existing Annex has been known as “The Dairy” and the main Building as “The Coach House”. We have never heard any references to “Creamery Cottage “. Is this a name change for the Dairy which is unoccupied?

3. Have the 2 existing rooms that will form part of this “annex” to the “annex” been built to building regulations? And would this be checked? Considering that 1 has a wood burning stove.

4. Given that the existing “annex “ is advertised as sleeping 9 persons, 2 extra bedrooms will allow for another 4 at least. This seems rather a lot, for a single dwelling. What safeguards are there that could be put in place to stop this being turned into an HMO or similar?

5. Given that the original annex, is an annex to the Coach house, this new annex extension will create a third building on the plot. We would like that see that they not be occupied at any time, other than for purposes ancillary to the enjoyment by family or extended family residential use, of the dwelling known as the The Coach House and it’s annex. We are concerned that the buildings should not, in the future, be split and subdivided.

Reason: The converted building is located in an unsustainable location in the open countryside where new residential development is strictly controlled. The introduction of an independent dwelling in this unsustainable location would result in future occupiers being totally reliant on the use of a motor vehicle to meet their every day needs.

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

One neighbour response has been received querying whether the previous consent can still be implemented if the current application is approved.

They also state that the plans are inaccurate and an extension on the neighbouring property is not shown correctly. Further comments are made about the fact the dwellinghouse is currently being rented out as a holiday let for 9 people. They have requested soundproofing as part of the extension and that security lighting is put on a timer to ensure the rural setting is not impacted on. They also note that the property is not correctly registered with the name, Creamery Cottage.

### **EVALUATION:**

Key considerations in this case are:

- Site history and current use
- Impact on character and appearance of the buildings and the surrounding area
- Residential amenity
- Impact on Trees
- Flood risk

### **Site history and current use**

The applicant has confirmed, and it was visible during a site visit that the 2018 permission for change of use to special needs school has not been implemented. The building remains as a dwellinghouse and the single storey outbuildings remain as ancillary outbuildings. The two storey coach house appeared fenced off and not in use at the time of the visit. It is understood that due to personal circumstances and the impact of the pandemic that the school use is no longer a viable option. The 2018 permission expires on the 25<sup>th</sup> October 2021. It is unlikely that it would be implemented in the next month, given that the applicant has withdrawn from the Ofsted process. If the applicant did choose to implement the special needs school, then they would need

to apply to amend the drawings that the development should be carried out in accordance with in any case, if they wanted to carry this proposal out prior to implementing the school use.

### **Impact on character and appearance of the buildings and the surrounding area**

Policy 2 of the SELLP indicates that developments will be permitted which will not have harmful impacts upon the character and appearance of the area. Policy 3 states that all developments must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.

Policy 29 of the SELLP relates to the historic environment and refers to non-designated heritage assets as well as designated.

It is acknowledged that the site does not contain any designated heritage assets, the site does however benefit from traditional and characterful buildings that are beneficial to the area. They have significantly limited impact on the character and appearance of the area from public vantage points, given they are screened from public view. It is still important to consider the impact of the proposal on the existing buildings.

The proposal is single storey in height, and results in the creation of an L shaped outbuilding, forming the annexe accommodation. The existing building is a mixture of brick and timber cladding and is sympathetic to the surroundings. The proposed extension infills a corner and is timber clad. A corridor is located to the front of the new bedroom created and angles across the corner to provide movement space. The flat roof proposed is in keeping with the existing structure, and enables the extension to be integrated appropriately.

The proposed extension is considered to be sympathetic to the existing outbuildings in massing and form and is considered to be of an appropriate scale and design.

### **Residential amenity**

Policies 2 and 3 of the SELLP seek to ensure that a new development does not significantly impact neighbouring land uses by reason of noise, odour, disturbance or visual intrusion.

The proposed extension is located in close proximity to the south western boundary which bounds the site between the application site and The Old Rectory. There is a well-established hedgerow between the two sites which provides significant screening.

The proposed extension is single storey in height and therefore has a limited impact. The window proposed in the rear elevation faces towards the south east and overlooks the garden area of the application site, rather than the neighbouring property. Other fenestration looks towards the internal courtyard space. Given the design of the proposed extension and the limited scale, it is considered it would be not be reasonable to request additional soundproofing. The use of existing security lighting cannot be controlled under this application.

The neighbour comment received about the use of the dwelling as a holiday let is a different consideration and it is considered regardless of whether the house is occupied by a permanent household or on a rental base, it remains a C3 use. It is recognised that in some cases the use of a dwellinghouse for a holiday let (whilst still a C3 use) would be considered a material change of use. This is dependent on the specifics of each case and is dependent on fact and degree. This application does not assess the use of the dwelling and associated outbuildings as a holiday

let, and only assesses the extension to the existing outbuilding which is ancillary to the dwellinghouse.

The application is not for the use of the dwellinghouse as a HMO or to subdivide any of the accommodation off as a separate individual dwellinghouse. Compliance with building regulations is not assessed through the planning process, and neither is the change to property name.

## **Trees**

Policy 2 of the SELLP at criteria 1 states that among other considerations the impact on trees needs to be assessed as part of any proposal.

There is a mature sycamore tree to the rear of the proposed extension which will require protection during the construction phase. During the assessment process it was recognised that the trees to the rear were identified as part of Tree Preservation Order No. Algarkirk & Sutterton No 1. Whilst there was some discussion as to whether the tree was or was not within the TPO area. Having overlaid the original TPO boundary plan over the submitted site plan the tree appeared to be within the TPO boundary. It is therefore considered that the tree is subject to the TPO.

Regardless of whether the tree is protected by the TPO, it is important that any works proposed would not have a significant detrimental impact on the health of the tree, given that it is a mature, well established tree which makes a positive contribution. Further information was requested from the agent in order to establish a way of mitigating the impact of the proposed extension on the tree.

The extensive tree survey prepared in support of the previous application for the use as a school was submitted along with an email providing further supporting information.

The tree is identified in the previous tree report as T01. It identified the sycamore tree as being in good condition both physiologically and structurally. The supporting email confirms that an excavation (removal of topsoil) to a depth of approximately 150mm ought to be sufficient, that a hand-dig only method of excavation will be carried out and that a tree protection barrier will be placed around the tree, 1m from the edge of the outbuilding extension proposed.

It is considered given the information provided in the tree survey report and the updated supporting information that relate specifically to this proposal, that the proposed methods for protecting the health of the tree are considered appropriate and that these should be conditioned as part of any approval.

## **Flood risk**

Policy 4 of the SELLP seeks to ensure that new development is not unnecessarily exposed to flood risk and does not increase the risk of flooding elsewhere.

The proposed extension is submitted under a householder application and is to extend existing ancillary accommodation. The submitted flood risk assessment states that the proposed floor level will be no lower in relation to ODN than the existing and that as far as is possible the structure is of Flood Resilient Materials. If thought necessary the applicant will sign up to the EA early warnings.

It is considered in this case, that the submitted information is acceptable, given the type and scale of the proposal.

### **CONCLUSION:**

The proposed extension is limited in height and massing and is well related to the existing outbuildings which already provide ancillary accommodation to the dwellinghouse. It is considered that there will not be any significant detrimental impact on the amenity of the neighbouring property.

The protected tree to the rear of the proposed extension has been considered and appropriate mitigation proposed in order to protect the tree.

### **RECOMMENDATION:**

Approve subject to conditions.

<b>CONDITIONS / REASONS</b>	
Pre-commencement conditions?	No      Agreed with applicant/agent - Date:      N/A
1	<p>The development hereby permitted shall be begun before the expiration of four years from the date of this permission.</p> <p><b>Reason:</b> Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>The development hereby permitted shall be carried out in strict accordance with the application received 25-Jun-2021 and in accordance with the associated plans referenced:</p> <ul style="list-style-type: none"> <li>• Site Location Plan received 25<sup>th</sup> June 2021;</li> <li>• Proposed Site Layout Drawing no. P1001 P.02 received 25<sup>th</sup> June 2021;</li> <li>• Proposed Layout &amp; Elevations received 25<sup>th</sup> June 2021.</li> </ul> <p><b>Reason:</b> To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).</p>
3	<p>The sycamore tree identified as T01 on the Tree Survey submitted on the 30<sup>th</sup> September 2021 shall be protected during construction work by chestnut pale fencing or similar fencing 1.5 metres in height erected 1m from the southern and eastern elevations of the approved extension. 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 trees during construction work in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).</p>

4	<p>No mechanical excavation of land shall take place beneath the canopy of the protected tree under Tree Preservation Order No. Algarkirk &amp; Sutterton No 1 identified as T01 in the Tree Survey, Arboricultural Impact Assessment &amp; Outline Method Statement (Author: Wynne-Williams Associates). All excavation for those parts of the development located beneath the canopy of the abovementioned tree shall be carried out by hand and shall take place in accord with the supporting information received by e-mail on 30<sup>th</sup> September 2021 (Author: Keith Baker).</p> <p><b>Reason:</b> To ensure that appropriate mitigation measures are put in place to safeguard the health of protected trees within the site in the interests of visual amenity in accordance with the requirements of Policies 2, 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 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.</p>	