

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H01-0779-24 **Applicant:** S Clarkson

Proposal: Proposed single storey rear extension & internal alterations

Location: 83 Backgate Cowbit Spalding

Terminal Date: 11th November 2024

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
29	The Historic Environment
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2023****National Planning Policy Framework December 2023**

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 12 - Achieving well-designed and beautiful places
Section 16 - Conserving and enhancing the historic environment

National Guidance**Representations:**

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

RESIDENTS	1	0	0	0
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CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for the erection of a single storey rear extension. Consent is also sought to render the existing single storey bungalow within the site, thereby altering the frontage of the dwelling as this currently features brickwork.

Site Description

The application site comprises land at 83 Backgate, Cowbit, which includes a single storey bungalow with a hipped roof line. The site is within the settlement boundary of Cowbit. There are a range of house types along the street scene, and as such nearby dwellings vary in terms of the size, style and positioning within their plots.

Relevant Planning History

Application Site:

H01-1042-78: (Outline Application) Erection of bungalow and garage and alteration to existing vehicular access at Backgate, Cowbit - approved 09 November 1978

H01-0047-79: Erection of bungalow and garage with provision of access at Backgate, Cowbit - approved 23 February 1979

83A Backgate - to the rear of the site):

H01-1274-16 (Reserved Matters) Erection of detached bungalow - Outline permission H01-0748-15 - approved 18 January 2017

H01-0748-15(Outline Application) Residential development - outline application for detached bungalow - approved 28 September 2015

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on the South Holland website.

Cowbit Parish Council: No response received.

CLlr T E Sneath: No response received.

CLlr A Casson: No response received.

CLlr A R Woolf: No response received.

Highways and SUDS Support: The parking arrangements would remain unchanged. Therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Lincolnshire County Council: Historic Environment Officer:The proposed development lies on the edge of the presumed extent of the medieval settlement of Cowbit MLI23106. It also lies close Iron

Age and Roman settlement evidence. The Lincolnshire HER records multiple monuments and events near the specific proposed site. The PAS database records several archaeological finds in the field located to the east of the proposal. The proposed single storey rear extension development groundworks and any temporary works associated with the development will have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present. As mentioned above, there is potential for development on this site to have an impact on buried remains that should be recorded prior to their destruction - NPPF (paragraph 211). I recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will comprise a phased programme of archaeological mitigation work including, but not limited to a continuous archaeological monitoring (watching brief) to enable any remaining archaeology which currently survives on this site to be properly recorded prior to its alteration or destruction. This should be secured by South Holland District Council's standard conditions AR01, 02 and 03 and is in accordance with National Planning Policy Framework paragraphs 200 and 211 and the South East Lincolnshire Local Plan (Policy 29).

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one representation has been received.

This representation set out concerns with the proposed fencing that appeared to be proposed on the 3D visualisations. It has since been clarified with the applicant's agent that the fencing is not proposed and was only shown indicatively on the 3D visualisation to block up the horizon behind the site.

Amended plans have since been submitted to show only the dwelling for clarity.

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Principle of Development;
- Design and Visual Impact;
- Impact on Amenity;
- Highway Safety and Parking; and
- Archaeology.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the defined settlement of Cowbit which is a Minor Service Centre. Furthermore, the proposal solely relates to the extension of an existing dwelling and therefore, the principle of such development is appropriate. As such, the principle of an extension is acceptable subject to the assessment of the proposed development against site specific criteria.

Design and Visual Impact

Section 12 of the NPPF specifically relates to 'Achieving well-designed and beautiful places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Similarly, Policy 2 of the Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the NPPF, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

The application seeks consent to remove an existing small extension on the rear of the dwelling, and in its place a single storey rear extension is proposed. The extension is proposed to feature a gable end roof form. This differs from the main bungalow which features a hipped roof form, however, this is acceptable in this case as there is a mixture of gable end and hipped roof forms along the street scene. Furthermore, the gable end would not be highly visible from the street scene.

The proposed extension would measure 4.16m from the existing rear elevation, and 7.14m in width. The proposed extension would measure 4.8m up to the ridgeline and 2.3m up to the eaves, which is smaller than the front part of the dwelling. The scale and form of the extension would be acceptable as the extension would be subservient to the main dwelling. Furthermore, the scale of the extension could be allowed through permitted development rights if similar materials were used.

The extension is proposed to feature cladding and the application seeks consent to render the front of the dwelling. The dwelling currently features brickwork and most of the nearby dwellings also feature brickwork. Notwithstanding this, 87 Backgate features off white painted brickwork and this dwelling is close to the site (there are two dwellings in between). 76 Backgate, on the opposite side of the road, also features render with mock Tudor beams. There is therefore no strict uniformity in terms of the materials within the street scene and the proposed render and cladding is acceptable in this case. The cladding for instance would not be highly visible from the street scene as this would be located on the rear of the dwelling and would be most screened by boundary fencing.

One of the existing windows on the northern side elevation is proposed to be blocked up. There would still be sufficient light for this room as there is a window on the front of the dwelling that provides light for this room. The visual impact of blocking up the window is acceptable.

Two rooflights are proposed on the northern roof elevation of the proposed rear extension, and two rooflights are also proposed on the southern roof elevation. The visual impact of the rooflights is acceptable as they are evenly spaced and proportionate.

Replacement windows are proposed which are shown on the plans for reference, however, the new windows do not require planning permission.

The bungalow currently features a chimney breast, and an additional chimney breast is proposed on the proposed rear extension. The additional chimney breast would therefore be located towards the rear of the site. The new chimney breast would not be taller than the existing chimney breast. The visual impact is therefore acceptable.

The visual impact of the proposed development is acceptable. The proposed extension is appropriately designed and would be proportionate to the host bungalow. The proposed development would therefore not cause an adverse impact to the character or appearance of the area and would therefore accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed extension would not result in an unacceptable degree of overshadowing of neighbouring properties due to its scale and positioning.

Four roof lights are proposed on the rear extension. These rooflights would not result in an unacceptable degree of overlooking as the dwelling will continue to feature only one storey and as such occupants would not overlook neighbouring properties from these windows.

There is approximately 5.3m between the rear elevation of the proposed extension and the end of the garden within the site. There is approximately 13m between the rear garden fence boundary and the frontage of 83a, which is a single storey bungalow located to the rear of the site. 83a appears to feature a bedroom or living room at the front of the property and this would face onto the proposed rear extension within the site. There is a rear garden fence between the properties which would prevent an unacceptable degree of overlooking. The relationship between the properties will therefore continue to be acceptable.

The proposed extension would also have an acceptable impact on 85a Backgate, which is the other nearest dwelling located to the south of the site. For example, the proposed extension would not result in an unacceptable degree of overshadowing or overlooking.

As detailed above, the impact of the proposed extension on the amenity of neighbouring properties would be acceptable. As such, the proposed development accords with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this section, Paragraph 115 advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

Policy 2 of the Local Plan sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for

dwelling with four or more bedrooms.

The existing bungalow features two bedrooms, whereas the proposed extension would result in the provision of three bedrooms. There is room for two vehicles to park within the site and the proposed extension would not result in the need for additional car parking spaces.

It is noted that comments have been received from a neighbouring property setting out concerns with the proposed fencing and changes to the driveway that were shown on the 3D visualisations within the submitted plans. The applicant's agent has clarified that the fencing is not proposed and was merely shown indicatively within the background. The plans have subsequently been updated to remove the fencing and driveway from the 3D visualisations for clarity.

The proposed development would therefore be acceptable in terms of highway safety and would therefore accord with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Archaeology

Section 16 of the NPPF sets out guidance in terms of assessing and mitigation proposals which affect designated and non-designated heritage assets. Of particular relevance in this case is Paragraph 200 of the NPPF which states the following:

"200. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation".

Section C of Policy 29 of the Local Plan sets out that proposals that affect archaeological remains, whether known or potential, designated or non-designated, should take every reasonable step to protect and, where possible, enhance their significance. The policy also sets out that planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them.

Lincolnshire County Council's Historic Environment Team have set out that the proposed development lies on the edge of the presumed extent of the medieval settlement of Cowbit (HER reference: MLI23106). The site also lies close Iron Age and Roman settlement evidence. There have been several archaeological finds in the field located to the east of the site. The proposed development would have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present. Conditions have therefore been recommended to secure a programme of archaeological investigation to ensure any finds can be recorded. One of these conditions needs to be discharged prior to the commencement of works on site. This condition has been agreed with the applicant's agent. With the inclusion of the relevant archaeological conditions, the proposed development would have an acceptable impact in archaeological terms.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The proposed development represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents. The proposed development therefore accords with the Local Plan and the NPPF. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

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

Taking the above considerations into account, the proposal is considered to be in accordance with policies 1, 2, 3, 29 and 36 (including Appendix 6) of the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.