

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H01-0867-22	Applicant:	Mr J Mason
Proposal:	Two storey side and rear extension, detached garage and alterations		
Location:	Lapwing 72 Backgate Cowbit		
Terminal Date:	28th October 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

Section 12- Achieving well-designed places

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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application, seeking permission for a proposed two storey side and rear extension, detached garage and alterations to the property at Lapwing, 72 Backgate, Cowbit.

Site Description

The property is a detached dwelling situated within the defined settlement limits of Cowbit. The plot is large and adjoined to the north and south by other frontage residential properties that are of a variety of ages, sizes and design.

The dwelling is set back from the road with a large gravelled driveway which is currently undergoing construction. There are high mature conifer hedges to the southern boundary and approx. 1.8m high fencing to the northern boundary. The rear of the plot is defined by post and rail fencing, beyond which is an agricultural field.

History

No relevant planning history.

Consultation Responses

South Holland IDB

There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

There board has no further comments to make (25/10/22)

Local Highway and Lead Local Flood Authority

No objections.

Public comment (1)

- Vehicular access has been altered
- Block plan not accurate, as does not show the L shape of the land to the rear of neighbouring property.
- The rear extension will overshadow to the roof area
- Overlook neighbouring gardens from the proposed rear elevation windows
- Window to en suite would overlook
- Dominating impact
- Overshadowing from the proposed garage, and concerns over line of site for vehicles to enter and exit driveway.
- Ground stability and drainage- Ground in Cowbit is unstable and liable to flooding and 1.5m from the property boundary. Risk damage to the existing neighbouring garage, within 04m of the garage wall.
- Party wall agreement- Concerns that work is starting imminently without permission and a Party Wall Agreement.
- Concerns of the demolition of the garage due to asbestos.
- Noise and disturbance- Heavy duty machinery and ground works have taken place late at night and at weekends. We would like to see enforcement over the hours of operation and other restrictions to make it more bearable.
- The size of the extension is detrimental to the neighbouring amenities and would have an overbearing impact.
- Title deeds- Restrictive covenants to the use of the land to the rear which isn't outlined in this application. Particularly in relation to the repair and maintenance of the rear wall of our garage and the shared use of electrical and sewage connections.
- Concerns over change of use- Concerns over the future use for trade storage and the use of the property as a business. There has been a large hardstanding area made to the rear of the property, which is intended for a storage yard which is directly to the rear of the neighbouring property.

Planning Considerations

Layout, Design, Size and Scale

Paragraph 130 of the 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; and 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, among other considerations. Likewise, Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The proposed two storey side extension will project from the northern side elevation by approx. 3m, with a depth of approx. 4.5m. The proposed two storey rear extension will measure approx. 5.4m deep and 7.8m wide (same width as existing dwelling). The existing garage is proposed to be removed from the rear of the property. The proposed garage is set to be situated forward of the principal elevation of the dwelling. This will measure approx. 6.7m by 5.5m, including loft space for storage purposes only, with a roof light. The proposed siting of the detached garage is considered acceptable, as there is another example of a detached garage set forward of the front elevation to the neighbouring property to the north. Therefore, it is not considered to be at odds, and would be acceptable in terms of the overall character of the street scene.

Overall, having regard to the existing dimensions of the house and plot it sits within, the two storey side and rear extension, detached garage and alterations are acceptable in terms of scale, mass and bulk.

The external materials include a new brick skin to be Old Farmhouse Multi by TBS Ltd and roof covering to be Spanish Slate colour with lead hips. The proposed brick skin is different to the existing, but it would be considered to be in keeping with the neighbouring properties and therefore, visual amenity will not be undermined.

The proposed roof structures include hipped roof to the side extension, which is subservient to the original roof structure. To the rear two storey extension, there will also be a hipped roof structure, which will match the original roof structure to the rear.

Internally, the purpose of the development is to gain further internal floor space for enlarging and creating new rooms inside the house. The rear extension will include a new open plan living, dining and kitchen space, attached to the existing utility and shower room. The side extension will form a study to the ground floor. To the first floor, a new layout will be formed keeping the same number of bedrooms. The master bedroom will be formed with a new walk in wardrobe, en suite and dressing area, with a Juliet balcony facing the rear of the property. Bedroom 3 will form a new bedroom in the extension including a dressing area.

Overall, the proposals will ensure good living conditions for the house occupiers and are in keeping with the residential use of the property.

Taking the above into account, the proposed two storey side and rear extension and proposed detached garage is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale.

Residential Amenity

Paragraph 130 of the 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 the 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.

One objection raises a concern of overlooking from the proposed extensions. To the first floor rear elevation, a Juliet balcony is proposed, along with a small window, both facing out to the rear of the property. The proposed rear elevation windows are considered to be acceptable given that both neighbouring properties and gardens are angled away from the property. The proposed side elevation window to the first floor only includes one additional window from the proposed en suite. This will be obscure glazed and will not overlook unacceptably upon the neighbour to the north. There are no other side facing windows proposed.

Overshadowing concerns have also been raised in terms of the proposed garage. However, the garage projects further forward than the neighbouring detached garage adjacent to the north and is approx. 18m away from the closest window. It is therefore not considered to impact upon primary habitable rooms to the neighbouring property to the north.

In terms of the rear extension, one objection highlights concerns of overshadowing to the neighbouring roof and the development being overbearing. The rear extension would project no further back than the existing single storey extension to the rear and the only windows it would impact at 70A at first floor are to two bathrooms, which are considered non habitable spaces. The windows to the sun lounge are at such an angle to the extension that they would not be materially impacted. There is one further window at ground floor on the facing elevation to 70A (kitchen), but this will sit beyond the new rear elevation of no. 72 and that area of the house also benefits from the bi-fold doors at the rear of the property. In regard to the relationship with no. 74 to the south, the two properties are separated by a tall mature hedge and the two storey rear extension would be set back of the rear elevation of 74. No new side facing windows are proposed to the southern elevation. There would therefore not be a material amenity impact taking this and the path of the sun into account.

Noise and disturbance was raised as a concern. However, given the application is a householder application, it would not typically require a construction management plan and any issues of excessive noise would be a matter for Environmental Protection.

Taking the above into account, the proposed two storey and rear extension, with detached garage and alterations is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity.

Parking Provision

In connection with Policy 36 of the SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision.

2 no. car spaces must be provided within the curtilage for dwellings with up to 3 no. bedrooms. The drive to the front is sufficient to accommodate two cars, with one small single garage also. The new driveway will allow a vehicle to enter and egress in a safe and forward manner.

Therefore, the proposed parking provision complies with Policy 36 and Appendix 6 in the SELLP, 2019.

Highway Safety

Concerns were raised in regards to the position of the proposed detached garage and its potential to impact upon visibility when exiting the driveway and it has also been highlight that the vehicular access has been widened. The Highway Authority have been consulted and raise no objection.

Additional Considerations

- Block plan not accurate/Title deeds- Applicant is not required to include all the land that is owned by them within the red line boundary if it is not relevant to the case. There is a separate ongoing planning enforcement case in relation to the land to the rear and that matter is separate to this planning application.

- Ground stability and drainage- Soakaways are required to be located a minimum of 5m from any building. Any ground stability issues would be considered at the building control stage and would not be considered a planning matter. If issues were to occur, this would be a civil matter between landowners.

- Party wall agreement- This is not considered to be a planning matter and does not carry any weight upon the decision of this planning application.

- Concerns of the demolition of the garage due to asbestos- This is not considered to be a planning matter and does not carry any weight upon the decision of this planning application.

- Concerns over change of use- There is no evidence on the application form that suggests it would

be a change of use, therefore this is only an assumption.

Planning Balance

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 proposed two storey side and rear extension, with detached garage and alterations will not materially harm the character or appearance of the locality or amenity of nearby residents. It is therefore considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Conclusion

The recommendation is therefore for a delegated approval.

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.