DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H01-1048-23**	**Applicant:**	**Mr J Mason**
Proposal:	Extension & Alterations		
Location:	72 Backgate Cowbit Spalding		
Terminal Date:	23rd January 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving well designed and beautiful places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for an extension and alterations at 72

Backgate, Cowbit.

Site Description

The site is within the settlement boundary of Cowbit as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). It is a detached two storey property with a gravel driveway on the front, there is a garage being constructed currently which was approved in 2022. There is a fence along the side of the property with a high hedge on the neighbouring side acting as boundary points.

History

H01-0837-17 - Erection of detached house - Approved

H01-0867-22 - Two storey side and rear extension, detached garage and alterations - Approved

H01-0867-22 - Two storey side and rear extension, detached garage and alterations - Approved

H01-0415-23 - Proposed front boundary wall and gates - Approved

H01-914-23 - Proposed Storage Building - Approved

Consultation Responses

South Holland Internal Drainage Board

No objections, consent may be required under Byelaw 3 but is not needed under Section 23 and Byelaw 10.

South Holland District Council Environmental Protection

No comments.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

The main issues and considerations in this case are (but not limited to):

- Layout, design and impact on the character of the area
- Impact on neighbouring residents/ land users/ land use
- Highway safety and parking

Evaluation

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

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms 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 (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Planning Considerations

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) 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, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) 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.

Development proposals should also ensure that developments 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 South East Lincolnshire 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 National Planning Policy Framework, 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.

These policies accord with the provisions of the National Planning Policy Framework and require 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.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The proposal aims to use block brickwork on the walls using Old Farmhouse Multi bricks with the main roof being made of slate with lead hips and the sunroom being lead. The windows shall be uPVC cream with the doors being aluminium bi-fold doors in anthracite grey. Finally, the rainwater goods are black plastic. The brickwork would be different to the existing but shall be similar and therefore allows the development to be in keeping with the host dwelling and therefore similar to the houses within the area. The cream windows will match the existing and look similar to the white uPVC windows nearby. Overall, the materials are therefore considered to be acceptable and not cause any visual discrepancies.

The proposal protrudes from the north elevation by around 3150mm and has a total length of 4490mm. Towards the rear section of the dwelling the existing conservatory will be demolished to allow for the rear extension to protrude by a total length of 9570mm which is broken down into 5220mm in length for the family room and 4350mm for the sun room. The family room will project from the side elevation of the existing rear section by around 4850mm with the sun room having a total length of 8090mm. On the first floor, the same sized extension will take place on the northern side to allow for bedroom 3 to be enlarged (3150mm by 4490mm). To the rear, the extension will protrude by approximately 5220mm and has a length of 7160, this means it shall be the same foot print as the family room section on the first floor to allow for the sun room to be a flat roof. Throughout the whole proposal, it shall keep the level to the eaves sitting at 5000mm from the ground floor level, there is a variety in the height to the ridges due to different roof designs being marginally smaller than others. The highest any ridge shall go to is around 7550mm, a slightly shorter one will be 7300mm and finally 6500mm. The existing eaves and ridge of the dwelling are around a similar height which therefore ensures there is not a drastic increase within this which could impact the character and locality. To the rear, as mentioned, there is a flat roof section which comes up to around 3150mm with roof lights protruding slightly above this level. Finally, on the front elevation an external overhanging porch shall be featured which is around 3000mm in height.

This design is of a similar scale and foot print to a previously approved extension at this address whilst also providing adequate extra floor space for the residents. It can be considered that the

increase in floor space is somewhat significant however the dwelling itself is of a substantial size and plot and the additions will not make it appear out of character or incongruous, it is therefore acceptable.

The design incorporates a hipped roof across all elevations, this is identical of the existing roof design at No. 72 as well as a plethora of other dwellings in the immediate area. This ensures the design of the extension is in keeping with the existing dwelling as well as others in the area further ensuring it does not appear out of character. As previously discussed, a flat roof shall be featured at the rear of the site, flat roofs are not commonly favourable to the LPA however as it is at the rear it will therefore not effect the street scene or locality and due to the neighbouring plot being slightly set back with no view from habitable rooms it will also not harm the view from these dwellings. A Juliet balcony shall be featured to the rear of Bedroom 1 to provide a view and allow natural light into the room. Overall, the prominent design features for this proposal are in keeping with other properties in the area and this is therefore acceptable.

As part of this application there are proposed alterations taking place internally, for the most part the front of the ground floor section will remain the same with the new study being added on the side. A new set of bi-fold doors shall be sited within the kitchen/ dining area to allow for access to the side of the property, further back the utility and WC shall remain with a new access being provided for the WC due to the changes being made at the rear. The existing conservatory will be demolished to allow for the rear part of the extension to be carried out, this shall be replaced with an open plan area consisting of a family room and sun room in the most part,. The sun room features roof lights with large bi-fold doors for natural light and access to the rear garden. On the first floor, bedroom three shall become a dressing area with the new bed being located adjacent to this in the extension, similarly bedroom 1 and the en-suite shall be converted into a large walk in wardrobe with the new bedroom, dressing area and en-suite being sited within the rear extension. Some of these alterations would not necessarily need planning permission but have been listed within the plans and therefore mentioned in the report.

Whilst the works being carried out within this scheme appear substantial and the proposed extension is of a somewhat significant size, it is remotely identical to the previous application which was approved which therefore shows how it is acceptable in this instance. Furthermore, the plot itself is large in scale and therefore the extension fits within the site well without making it appear out of character or incongruous to the street scene. Taking account of the design, scale and nature of the development the proposal is considered to be acceptable and therefore in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impact on Residential Amenity/ Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) 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 South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

There should be no concerns regarding overlooking or loss of privacy due to the only first floor side elevation windows being located in rooms that are not considered to be habitable, two windows shall be for bathrooms (these will be obscure glazed) with the the other being for the landing, therefore, no view shall be provided. Additionally, on the ground floor the windows are for dining, utility and a shower room, the dining room could be classed as habitable where as the other two will not be. To combat any issues here, the existing boundary treatments on this curtilage will mean no view is provided. Also, the rooms to the side elevation windows for the neighbouring property are all non-habitable rooms due to the first floor windows all being for bathrooms and on the ground floor they are for a utility and kitchen area, this means no privacy will be lost. To the rear there shall be a window within the dressing room area and a Juliet balcony in the bedroom, these are considered to be acceptable given that both neighbouring properties and gardens are angled away from the property resulting in no overlooking. Overall, no privacy will be lost and no view will be provided into any neighbouring properties amenity areas following the completion of the extension.

Due to the positioning of the plot it angles away from the boundary and is set slightly in front of the

neighbouring property and this therefore benefits the scheme to reduce any overshadowing issues that could arise. The main sun room at the rear of the neighbouring property will not be impacted due to it being set back and angled away, therefore, no loss of light will occur to a main habitable area. In any case, despite the angle and the neighbour being set back, should any overshadowing occur the majority of windows that could be effected are all non-habitable rooms as mentioned previously, therefore there are no concerns regarding this. The LPA take the view that no shadow should be cast to No. 70a due to the positioning of the plots and due to it being set back and therefore not level with the rear most part of the extension. Additionally, this extension is of a similar foot print to the previously approved scheme.

Finally, the proposed extension will not appear overbearing on any neighbouring property due to the aforementioned reasons listed above regarding the positioning, being slightly set forward and the frosted windows and other non-habitable rooms. To cover off the neighbour to the south regarding overlooking, overshadowing and any overbearing issues, there is a large mature hedge on the curtilage of these two sites and no issues will occur.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) 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".

In respect of highway matters, Policy 2 details 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.

Further, policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least three spaces for dwellings with four or more bedrooms. There shall be no increase in the amount of bedrooms despite the size of the extension and the dwelling shall remain at three, there shall be more than adequate space at the front and along the side of the site to allow for vehicles to be parked away from the highway and not result in unacceptable issues. The existing garage will also be able to provide space for one vehicle as it is in accordance with the measurements set out in appendix 6.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

Planning Balance

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

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality despite its size, or amenity of nearby residents as clear justification has been given whilst providing adequate space for vehicle parking . For the most part, the proposal conforms with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, there are no material considerations that weigh significantly 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 into consideration these factors, the proposal is considered to comply with Policies 2, 3, 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPFF) (December 2023). Notwithstanding the aforementioned minor conflicts regarding the size and potential overshadowing/ overbearing issues, there are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is 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.