DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0009-24**	**Applicant:**	**Mr & Mrs D Lane**
Proposal:	Extension to create attached garage/carport		
Location:	3 Broadway Crowland Peterborough		
Terminal Date:	1st March 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	1
WARD MEMBER	0	0	0	0
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed extension to create an attached garage/ carport at 3 Broadway, Crowland.

Site Description

The site lies within the defined settlement boundary of Crowland as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). This property is made from smooth through coloured render silver pearl, concrete interlocking roof tiles, hardie plank anthracite grey cladding and zinc sheeting on the porch roof. Other properties in the area are made from more traditional materials and are of a much smaller size than this plot.

History

H02-1266-88 - Erection of 1 single storey dwelling - Approved

H02-0173-91 - Erection of one, two storey dwelling with double garage - Approved

H02-0628-91 - Erection of dwelling - Approved

H02-0496-12 - Proposed single-storey and two-storey extensions to sides and rear of dwelling - Approved

H02-0116-17 - Single storey extension to front of dwelling - Approved

H02-0684-21 - Change from hip roof to gable on front projection, installation of Hardieplank boarding to parts of north elevation. - Approved

Consultation Responses

Crowland Parish Council

No objections.

North Level Internal Drainage Board

No objections.

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, 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

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 proposed garage/ carport will be made from materials to match the existing dwelling, the roof will be concrete interlocking tiles which feature on the host dwelling with the walls being Hardie Plank anthracite grey cladding which is a prominent feature on the front elevation of the dwelling and therefore it will match this section accordingly. These materials are considered to be acceptable and should not cause harm on the street scene or locality.

It shall protrude from the front by around 6000mm and have a total width of 4900mm whilst being slightly set forward from the existing front section at around 1670mm. The height to the eaves is 2570mm and the ridge height is 4645mm allowing it to be level with section of the house it will be projecting from, there shall be a lower section connecting the roofs which shows that the extension is subordinate to the main dwelling. These measurements are considered to be proportionate due to the size of the existing property and this will allow for enough space for a car to be stored in the car port and in the garage.

The design will incorporate a hipped roof design which is featured on the main house, whilst other dwellings feature gable roofs as the host dwelling uses a hipped roof using this design will be more suitable on this plot and any other design would looks offensive and incongruous whilst being sited here. Therefore, this design is to be acceptable to the area. Furthermore, as mentioned, half of the extension will be a garage with the other section being used as a car port. Currently the dwelling does not feature anywhere to store vehicles and therefore by developing this it will allow an area for them to safely store their personal items.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

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 is no material overlooking concern following this development as the extension features no windows and it is not considered to be a habitable space in any case due to the nature of it. Furthermore, due to its positioning being sited in front of an existing section of the house one window shall be blocked up and this means the owner/ occupier will lose outlook onto the public highway. It is therefore considered that no significant loss of privacy will occur.

It could be considered that a shadow will be cast onto No. 1 to the west however this would be no different or more significant than what is already being casted in this location due to the host dwelling, this shadow would also only be cast in the early hours of the morning and when the sun gets higher less of a shadow will be projected on their land. In any case, the shadow that the extension will create will be on the front drive area and will be away from the dwelling and private amenity areas. Therefore, the LPA take the view that whilst a shadow could be cast the residents in No. 1 Broadway would not lose any light through their windows or amenity areas due to the positioning of the extension to the front of the curtilage.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant overlooking due to their being no windows featured on the design. There is however the potential for a shadow to be cast however this should not be unacceptable due to the shadow only being cast on the drive to the front of the neighbouring property and away from the house whilst not being any more significant than the shadow that is also created from the host dwelling. No other residential properties of adjacent sites will be impacted. As such, whilst the proposal is not in direct accordance with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan it has been justified as to why this is considered to be acceptable in this instance.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (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 two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

As mentioned, there is currently no areas to store vehicles at this property, whilst there is adequate space on the drive for multiple vehicles to be kept this extension will create more room and allow further for vehicles to be parked away from the highway and therefore not result in an unacceptable impact on highway safety.

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.

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 and causes no unacceptable impact on the highway. There is some concerns surrounding the potential for a shadow to be cast onto the neighbouring plot however this has been justified as to why it is acceptable. Therefore, whilst not directly conforming to all sections of the policies within the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole the proposal is considered to be acceptable due to the justification.

In this instance, these considerations do not 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, for the most part, 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). The 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.