

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-0657-23 **Applicant:** Mr & Mrs Ismail

Proposal: Proposed front extension including demolition of existing section of building, alterations and new door to outbuilding

Location: 16 Abbey Walk Crowland Spalding

Terminal Date: 29th September 2023

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

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

National Guidance**National Planning Policy Framework 2023**

Section 12 - Achieving well designed place
Section 16 - Maintaining and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	1	0
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed front extension including the demolition of existing section of building alterations and new door to outbuilding.

Site Description

The site lies within the settlement boundary of Crowland and is within the Conservation Area as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). The dwelling is the end building of a row of four terraced properties. This specific property is made of a cream render with red tiled roof and white uPVC windows. The property has a long garden to the rear which currently appears to be overgrown and features a large tree at the end. The garden is directly adjacent to a tennis court.

History

No relevant planning history.

Consultation Responses

Crowland Parish Council

The Council cannot give support to the application due to it including the retention of the large willow tree adjacent to the Council's tennis courts. The tree is totally unsuitable for a garden location, is overhanging the tennis courts and most importantly the root system is likely to undermine the courts. Its presence will make raising funding for the necessary renovation of the courts extremely difficult due its presence. Damage at a later date, if not removed, may render the owner liable for rectification.

Councillor A Harrison

As this property is not clearly visible from the street, I cannot see reason to object to these changes. However, consideration needs to be made as the driveway is shared with a number of other dwellings.

North Level Internal Drainage Board

No observations.

Historic Place Team

The application site is within an area of archaeological interest. However, given the size of the proposed groundworks and the inevitable previous disturbance the proposed works are not considered to pose a significant threat to the archaeological deposits.

South Holland District Council Conservation Area

I write to confirm that I do not wish to object to this proposal upon conservation grounds. Typically, this basic design, in addition to the use of UPVC fenestration and accoutrements would not be acceptable in a conservation area setting. However, it is accepted by the LPA that in this specific circumstance, the proposal matches the general style of the extant property and that UPVC has become the prevalent form on this terrace of properties. As such, it would be improper and unreasonable for the LPA to require a material mismatch on the site in order to satisfy Policy 29 of the SELLP. Therefore, notwithstanding these comments, the case officer should continue to consider the application in accordance with Policy 29 of the SELLP and S16 of the NPPF in addition to all other relevant planning policy and guidance considerations.

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, a letter objecting to the application has been received and is summarised as follows -

- Impact part of my house due to them being joined.
- This is a slopped roof that sits on the left side and the demolition of the current No. 16 proposed parts will affect my building.
- There is also drainage on this side from the properties roofs.
- The extension will also sit on current under ground drainage and gas mains which are shared along all four houses so any works would prevent future access or cause disruption the current use of the houses.

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

Paragraph 130 of the National Planning Policy Framework (NPPF), 2023 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, that they are visually attractive, as a result of good architecture, and are sympathetic to local character. 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. 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.

For the most part all materials would match the host dwelling. As such, the extension would appear well blended into the host, ensuring visual consistency is maintained. The walls will feature a slight change as the existing is currently made from cream painted bricks with the proposed being insulated cream render, whilst this could be considered to make the extension stand out and not blend in with the other terraced properties it is also considered that these other properties all feature different external materials and are a different colour and therefore there is no set design/style it should follow. The proposed wall can be seen as acceptable.

The proposed extension will protrude from the front by 2570mm and will run the same width as the existing property (4503mm). The extension will just be on the first floor and therefore is only 2400mm in height. It is considered that these measurements are acceptable and proportionate to the host dwelling and despite it being minimal it will be provide adequate extra floor space.

As part of the application there will be some alterations taking place. The outbuilding store will now become an office with a new access door and the WC door will be moved. On the ground floor there will be a bi-fold door with two rooflights to allow for natural light. The door will be blocked up and they will demolish a new wall to make a new access. There will be a new WC under the stairs. The kitchen will also be extended into the extension. On the first floor the bedroom labelled 'Bedroom 2' will remain, the bathroom will now become a third bedroom and 'Bedroom 1' will be made smaller to allow for the bathroom to be made larger. Some of these alterations can be done without the need for planning permission but as they have been included in the plans they have also been mentioned

in the report.

Impact on Residential Amenity/Land Users

Paragraph 130 of the National Planning Policy Framework (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.

There will be no overlooking concerns that could develop following this application as there will be no new windows and therefore the neighbouring properties will not lose any privacy. It could be considered that there could be some overshadowing that will arise following an approval due to the proximity between the nearest neighbour, however it is considered that this will be minimal due to it being similar to what is already there and what neighbours have and therefore it will not cause significant loss of light. The proposal can be considered acceptable.

The development will not be overbearing on the area, naturally, after the initial construction, which itself would take place over a short period, minimal additional noise pollution would be caused as a result of the development.

The proposal is therefore in accordance with Policies 2 & 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Heritage

The proposal is considered to be acceptable in terms of heritage and when compared to Policy 29 of the SELLP and Section 16 of the NPPF. The Conservation Officer states in his comments that he has no objections on the basis that 'Typically, this basic design, in addition to the use of UPVC fenestration and accoutrements would not be acceptable in a conservation area setting. However, it is accepted by the LPA that in this specific circumstance, the proposal matches the general style of the extant property and that UPVC has become the prevalent form on this terrace of properties. As such, it would be improper and unreasonable for the LPA to require a material mismatch on the site in order to satisfy Policy 29 of the SELLP' it can therefore be considered acceptable despite the potential issues.

Other Matters

As previously mentioned a neighbour objected stating that there will be 'impact on part of my house due to them being joined' and 'this is a slopped roof that sits on the left side and the demolition of the current No. 16 proposed parts will affect my building' due to it being a party wall notice will be served under the party wall act prior to works commencing and the demolition of the structure adjacent to the party wall will take place once its interface has been exposed so that risk can be managed. This will help minimise impact on the neighbouring property. Overall, it can be considered that this is therefore safe. In regards to boundary issues this is something the LPA cannot comment on or be involved in.

They have also stated that 'the extension will also sit on current under ground drainage and gas mains which are shared along all four houses so any works would prevent future access or cause disruption the current use of the houses', based on the plans and following a site visit it is determined that the extension will not be built on the drains at the rear of the property and therefore there should be no impact on the neighbours and their drainage.

It is therefore considered that these neighbour objections are not considered to be substantial and therefore they will not impact neighbouring properties drastically.

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 and Conservation Area. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and does not impact the Conservation

Area, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

Conclusion

Taking into consideration these factors, the proposal is considered to comply with Policies 2, 3 & 29 of the SELLP, plus advice within the NPPF. Notwithstanding the aforementioned minor conflicts, 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.

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.

Recommendation

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