

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-1028-23 **Applicant:** Mr S Hutson
Proposal: First Floor Rear Extension
Location: 75 South Street Crowland Peterborough
Terminal Date: 19th January 2024

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 and beautiful places
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
SHDC INTERNAL	0	0	0	1
RESIDENTS	0	1	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a first floor rear extension at 75 South Street, Crowland.

Site Description

The site is located within the defined settlement boundary and Conservation Area of Crowland as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). No. 75 South Street is in a row of nine terraced properties with the majority being made of the same rendered block work along the front elevations featuring a variety in design of windows and doors. Access to the drive for this property is through an arch way that leads to the rear amenity area also, on street parking is provided for most dwellings. At the very end of South Street there is the listed building Crawford House and a property with an Article 4 Direction on the opposite side of the road.

History

No relevant planning history.

Consultation Responses

Crowland Parish Council

No objections.

South Holland District Council Conservation Officer

I write to confirm that I have no objections to this proposal. Whilst the proposal does utilise design and materials (such as UPVC) which are not of a particularly high quality that would typically befit a conservation area setting, this rear extension would be totally shielded from public realm views both into and out of the conservation area. As such, on the balance of probabilities, I conclude that such a proposal would not have a material negative impact upon the public appreciation of the designated heritage asset.

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, one letter of representation has been received and is summarised as follows:

- I support this application.

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
- Heritage Considerations

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.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local

Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

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 similar materials for the most part, the walls shall be a rendered block work to match the existing and brown uPVC windows, also to match. The existing two storey building section is made from concrete roof tiles with the single storey section being a flat roof with a felt finish, they proposed to use a grey glass reinforced plastic (GRP). Whilst this roof material will not match the existing roof tiles, it will look similar to the single storey roof of the neighbouring property and therefore will not look out of character, alongside this, as it will be at the rear it should not harm the street scene or locality.

The extension shall protrude from the rear by around 4300mm and has a total width of 5700mm, this allows it to fit on the single storey rear section whilst also appearing subservient due to its smaller ridge height sitting just higher than eaves of the existing house and not running the full length or width. As mentioned, they are proposing to incorporate a flat roof on the proposal, whilst flat roofs are not commonly favourable due to it being situated at the rear it should not harm the street scene or locality, additionally, other dwellings feature a similar rear extension design with a flat roof allowing room for an extra bedroom etc. Therefore, this extension and its size allows it to appear subservient and proportionate whilst providing adequate extra floor space for a proposed bedroom with an en-suite and walk in wardrobe.

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.

The extension proposes two windows on the rear elevation, one of which shall be obscure glazed due to the nature of the room acting as an en-suite with the other being a bedroom. This bedroom window shall face directly to the rear and could potentially provide views into either side neighbours rear gardens, however, following a site visit and further research, it is apparent that both neighbours have windows to the rear that also act as bedrooms and therefore any issue that could arise here would already be in place with the existing neighbours, furthermore, a neighbouring comment has been submitted in support of this application further reiterating that this scheme would be acceptable despite this issue being identified. Any view it may provide would appear to be oblique and not materially worse than how it is currently, alongside this as it is in a built up terraced area there is overlooking throughout the estate and area already due to the nature of the land. This would therefore be acceptable in terms of overlooking and potential loss of privacy.

The proposal will feature a flat roof meaning the ridge height will come up slightly higher than the eaves of the existing house, therefore, it will shall not be any higher than the host dwelling. Due to this and the positioning of the dwelling this means that no shadow should be cast onto the neighbouring plots and therefore would not result in a loss of light in this instance.

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 two spaces for dwelling with three bedrooms and three spaces for dwellings with four or more bedrooms. The development proposes to increase the site from two to three bedrooms, as such they will need at least two spaces, whilst there is no off street parking to the front of the site access to the rear is provided through a driveway that leads to a large gravelled area suitable for parking. This mean they will therefore have adequate vehicle parking to ensure there is not an unsafe and 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 (December 2023).

Heritage Matters

Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework. Development proposals will be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

In respect of any buildings or other land in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area, through Section 72 the Planning (Listed Buildings and Conservation Areas) Act 1990.

Due to the dwelling being located within Crowland Conservation Area, South Holland District Council's Conservation Officer was consulted to ensure the development did not cause harm to the Conservation Area, his comments are stated as follows - *'I write to confirm that I have no objections to this proposal. Whilst the proposal does utilise design and materials (such as UPVC) which are not of a particularly high quality that would typically befit a conservation area setting, this rear extension would be totally shielded from public realm views both into and out of the conservation area. As such, on the balance of probabilities, I conclude that such a proposal would not have a material negative impact upon the public appreciation of the designated heritage asset'*. As such, it is clear that this development should have no harm on the Conservation Area of Crowland despite the materials being used.

The proposal is in accordance with Policy 29 of the local plan and Section 16 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 and Conservation Area. The development hereby proposed does not materially harm the character or appearance of the locality despite the materials and its location, whilst providing a view into rear amenity areas of nearby residents however this has been justified and is seen as acceptable in this instance. It also provides adequate parking. For the most part conforming 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 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, 29 and 36, along with Appendix 6, of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023). Notwithstanding the aforementioned minor conflicts regarding the materials in the Conservation Area and potential impact on amenity, 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.