DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H03-0652-24**	**Applicant:**	**Mrs L James**
Proposal:	Single storey rear extension - Retrospective		
Location:	18 Harrow Road Deeping St Nicholas Spalding		
Terminal Date:	26th September 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
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 places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking retrospective permission for a singles storey rear extension at 18 Harrow Road, Deeping St Nicholas.

Site Description

The site is located within the defined settlement boundary of Deeping St Nicholas as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). Harrow Road is set off Littleworth Drove, the main road feeding into Deeping St Nicholas from Spalding. It houses a total of 36 dwellings all being of near identical semi-detached designs with some differences in brickwork, they are fairly set back from the road with either trees or hedges to the front grass verges separating the road and pathway.

History

No relevant planning history.

Consultation Responses

Deeping St Nicholas Parish Council

The Parish Council has no objections to this application.

Welland and Deepings Internal Drainage Board

No comment.

Lincolnshire County Council Highways Authority

Recommendation:

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Comments:

The proposal is for a single storey rear extension - Retrospective. The proposal will not have an adverse impact on the public highway.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

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.

These can be summarised as follows:

-We feel that it's going to overshadow so we will lose light. It appears out of character with our property. We feel that they have built it without considering us and how it will affect our garden. We are worried about the height of the build as it's really big 4 meters from the dwelling if they go much

higher it will put a shadow and block light. It really don't look right it sticks out and is visually. We are really worried its going to flood our garden. The tress in there garden are 30 foot high 3 of the trees are linked so it's like a really big high hedge. Also 2 acres trees are growing back which are just about 16 foot from dwelling so really near the extension when they grow back we will lose more light

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):
- Principle of Development and Sustainability
- Layout, Design, and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, 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 (December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Planning Considerations

Principle of Development and Sustainability

The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan (2019) sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan (2019) indicates that within Main Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

The application site in this instance is in Deeping St Nicholas as detailed by Policy 1. Regardless of such, the proposal solely relates to the extension of an existing and established residential dwelling and therefore, the principle of such development is considered to be appropriate, comprising an appropriate form of development for the location.

As such, the proposal is considered to be acceptable with the requirements of the South East Lincolnshire Local Plan (2019) when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, and impact on highway safety, which are discussed in turn as follows.

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 materials of the walls will be masonry brickwork that is to closely match the existing. Furthermore, the existing roof is made from interlocking concrete roof tiles where as the extension will be a flat roof fibre glass finish in grey with a glass lantern and the windows will be grey aluminium instead of white uPVC. Whilst the materials of the roof and windows do not match the existing this is not considered to cause any unacceptable harm due to it being set to the rear and therefore not visible from the highway in any case. The flat roof also will be acceptable despite not being commonly favourable the LPA in most instances due to its nature as a rear extension.

As the extension features a flat roof, the height will be around 2600mm with the roof light in the centre being slightly higher than this taking it to approximately 3100mm. It will have a length of 7000mm and will protrude from the rear elevation by around 4000mm meaning it is only 1000mm larger than is allowed under permitted development for semi-detached properties. It is therefore considered that these measurements are acceptable, if the extension was 1000mm shorter it would not necessarily need planning permission and the extra metre in this instance will not cause any material harm and it is therefore considered that the permission should be viewed in a positive light.

Finally, to make way for the extension the existing rear conservatory has been demolished. The extension is of a similar size to the conservatory being around 200mm taller and projects 600mm more. This is therefore further justification to assess this application in a positive way as there should be no material harm.

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 should be no material overlooking as a result of this extension being carried out due to there being no side windows on the elevation closet to a neighbour with the windows on the opposite side being 6980mm away from this. The fence in this location should provide cover and due to the nature of the extension being single storey this further limits any potential issues.

In addition to this, there should be no material overshadowing either. Despite objections being received with concerns for this, the LPA take the view that due to the height and positioning of the extension within the plot no loss of light will occur. As mentioned previously, the height of the extension 2600mm with a roof light being 500mm taller than this point - therefore, the roof itself is only 600mm taller than the existing boundary fences and due to it being flat in nature it doesn't slope towards the neighbouring garden, thus reducing any issues. Furthermore, there is a distance of around 1000mm between the boundary and the extension which helps negate any issues further. Finally, the extension is only slightly taller than the conservatory that were was in place prior to this and any issues presented by the extension will have most likely been in place from the conservatory and any issues will not be new.

Any concerns regarding overshadowing from trees are not considered within this application and do not hold material weight in a potential refusal - the assessment must solely relate to the plans that have been provided. If neighbours or surrounding properties have concerns regarding trees they must speak to the owner/occupier as this is not something the Local Planning Authority can enforce under such an application.

Naturally, due to the nature of the application there will be noise during construction. As the application is retrospective it is worth noting that the extension, at this stage, is close to completion and therefore any noise following this approval will be minor. It is therefore considered that this will not be of a material level that holds weight to refuse an application.

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.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, 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, or amenity of nearby residents, whilst 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 the above considerations into account, the proposal is considered to be in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (SELLP) (2019), along with 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.