

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0634-23 **Applicant:** Y Ward
Proposal: Extension & Alterations
Location: 34 East Gate Fleet Hargate Spalding
Terminal Date: 22nd September 2023

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 places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
OTHER STATUTORY BODIES	0	0	1	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for proposed extension and alterations at 34 East Gate. The extension involves demolishing the rear part of the house to be replaced by the proposal and features a garage on the side.

Site Description

The site lies within the settlement boundary of Fleet Hargate as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). The property is a two storey semi-detached house made of bricks with a tiled roof and white uPVC doors and windows. These materials are identical to the other dwellings down East Gate and it is of a similar design to others mostly with the other semi-detached houses. There is a small boundary fence on the northern side of the curtilage which runs the length into the rear garden. Within the rear garden there is a small rear extension which will be demolished to make way for the proposed extension.

History

H05-1240-03 - Proposed single storey rear extension - Withdrawn

Consultation Responses

Lincolnshire County Council Highways

No objection.

Historic Places Team Lincolnshire County Council

No archaeological input required.

Anglian Water

Section 1 - Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Sutton Bridge Water Recycling Centre that will have available capacity for these flows

Section 3 - Used Water Network

"This response has been based on the following submitted documents: Application Form and general plan The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

(1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within

the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

"From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. "

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, two resident comments have been received to object to this application and are summarised as follows -

- Will be built on my boundary, I own the fence and it will be built right on my fence
- Want it to be one metre away from the fence
- Should not be built on the neighbours boundary, there should be a two metre gap between the boundary and the build
- Questioned whether the plans have taken into account that the main sewer runs down No. 34 East Gate drive from the pumping station opposite to the man hole on the wasteland at the rear
- There is a rainwater well near the back door where the plans for the garage extension is proposed

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.

The materials for the walls, windows and doors will all match that of the existing dwelling and therefore ensures that it will blend in and not create any visual discrepancies. The design of the roof is flat, flat roofs are not commonly favourable by LPA's and due to the sheer size of this proposed extension it is not considered to be acceptable and therefore conflicts with Policy 2 & 3. It is not uncommon for the dwellings in this area to have single garages however the majority of the semi-detached properties do not feature one, the garage will provide more floor space alongside the extension as well as an area to store things and provides another parking space as it meets the requirements. The proposed garage is also therefore considered acceptable.

The extension will protrude from the rear by 3635mm and will be the full length of the house (7434mm), the new garage will be 2823mm by 5525mm. The proposal incorporates a new shower room (2400mm x 1300mm), utility (2400mm x 2235mm) and a kitchen (5024mm x 3635mm). The measurements of the extension and garage are considered to be acceptable when compared to the main dwelling and will provide adequate extra floor space.

As part of the proposal there will be alterations taking place internally and externally. Importantly, the existing part at the rear will need to be demolished to make way for the proposal. A new opening in the hall will be formed to allow access to the proposed shower room. Another new opening will be formed between the hall and the new open plan kitchen/dining room, this will mean that the existing kitchen will be moved into the extension and with a utility adjacent to this. The access into the lounge will be relocated slightly. Finally, at the rear there will be two new windows and a set of French Doors in the dining room. Many of these internal alterations are not subject to the need to obtain planning permission through this application but as they are detailed within the plans they have been mentioned in the report.

It can be considered that the proposal is in accordance with Policy 2 as the design is appropriate to the area and improves the area, and Policy 3 through the use of high quality and inclusive designs. By according to these policies, along with section 12 of the National Planning Policy framework, it can be considered that the balance is in favour of the application.

Impact on Residential Amenity/Land Users

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

There will be no overlooking concerns as a result of the application due to their being no new windows facing neighbouring properties and therefore it should be ok in this regard.

There is a distance of 0.3m between the north east elevation and the neighbouring boundary on this side and is on the boundary of the south west side. The development is considered to cause a loss of light onto the neighbouring property due to it being a large development right on the boundary. No. 36 shares its boundary with the host site due to its semi-detached nature, following the case

officers further investigation to the site it appears that the window that will suffer the most is a kitchen window, a habitable room which would significantly suffer from this loss of light that would occur. As such the minimal distance between the proposal and the boundaries/curtilage is a significant issue and therefore directly conflicts with Policy 2 & 3 of the SELLP and Section 12 of the NPPF.

When compared to the existing rear section that will be demolished the proposed rear extension is significantly bigger in terms of floor space and area, the existing has a total floor space of approximately 14 metres squared where as the proposed has 32 square metres for the main part and then 18 metres squared for the garage (approx. 50 metres squared in total). Based on this measurements it is clear that the overall size will increase significantly and therefore it will appear overbearing on the neighbouring property due to the size and scale of the extension. As mentioned before it will be a large development close to the boundaries and will appear as a cramped form of development.

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

Other Matters

There have been some concerns from residents regarding the distance to boundaries and the potential existing main sewers running under the site. Following this response a consultation was carried to Anglian Water to confirm if there are such sewers, their response is as follows -

'Section 1 - Assets Affected - Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement with the development site boundary' from this it appears that no sewers run under the development site and therefore there is no concern with the extension being built in this area in this regard. They have also included some informative in their response amongst other things as outlined earlier in the report. Correspondence with the Agents were also carried out concerning this 'the foul sewage runs down the side of East Gate and doesn't run on No. 34, the well was filled in numerous years ago' this further confirms that no main sewers will be affected by the development being carried out. Based on the response submitted from Anglian Water it appears that the concerns raised by the residents are redundant and it is therefore acceptable for the extensions and alterations to be carried out.

Other residents have concerns regarding the distances to the boundaries for the proposed extension and how the applicant will go about building the extension, LPA's do not however get involved in boundaries and this is a civil matter between the residents involved.

Planning Balance

The proposal is considered to conflicts with Policies 2 & 3 of the SELLP and Section 12 of the NPPF in relation to the design with the flat roof and the potential for it to be overbearing and overshadowing onto the neighbours. The concerns raised by the neighbours in relation to boundaries has been solved as it is not the responsibility of the LPA to be involved in this and the drains appear fine from the correspondence with the agent and the consultation response from Anglian Water. The planning balance is therefore against the application.

Recommendation

The recommendation is for a delegated refusal.

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.