

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0889-23 **Applicant:** Y Ward
Proposal: Extension & Alterations - Re-submission of H05-0634-23
Location: 34 East Gate Fleet Hargate Spalding
Terminal Date: 8th December 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development

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
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed extension and alterations at 34 East Gate. This a re-submission with some amendments for H05-0634-23.

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H05-1240-03 - Proposed single storey rear extension - Withdrawn

H05-0634-23 - Extension & Alterations - Refusal

Consultation Responses

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, there has been one letter of representation which is stated below -

I see you have amended the plans but not to the boundary on my side, it's too close to me. I need it to be 1m away, if this is not so I will be taking it further.

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 (2023) specifically relates to 'Achieving well-designed 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 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.

The materials used on the development will match the existing dwelling and therefore ensure that it is in keeping with the area and there are no visual discrepancies that will arise. The design features both gable roofs and a flat roof, for the most part, flat roofs are not commonly favourable by the LPA and due to the size of the proposal this was a direct conflict to policy and was a reason for refusal on the previous application. Following on from this, the design has changed to include a gable roof

on either side of the extension with a small flat roof section in the middle, this is therefore considered to be acceptable and the design is more favourable due to the smaller size of the flat roof.

The extension will protrude from the rear elevation by around 5775mm with a total width excluding the garage of 5799mm. It protrudes by around 2140mm more than the extension for the previous refusal application, this is to combat the issues that the previous application faced by increasing the distance to the boundary whilst ensuring they have a similar internal floor space and as such they are making it longer. As such, the the width of the extension is also less. The height to the eaves is around 2550mm which means it will sit at round half the height of the original house with the ridge height being approximately 3600mm. Finally, the garage will be 2823mm by 5525mm and shall have a similar height to the rear section of the extension. 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 area, the existing kitchen therefore shall be relocated into the extension. There shall also be three sets of French doors at the rear of the property to allow access into the rear garden and natural light. Many of these alterations do not require planning permission but have been included within the plans and therefore have been included within 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 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 are three sets of French doors directly on the rear elevation, due to the length of the garden this will result in no issues to neighbours at the rear.

A reason for refusal on the previous application was set out as follows - '*the sheer size of the development would appear overbearing and cause overshadowing and significant loss of light onto the direct neighbouring property. The proposal would be contrary to Policies 2 & 3 of the South East Lincolnshire Local Plan (SELLP, 2019) and the guidance within the National Planning Policy Framework 2023 and is therefore refused.*' In an aid to combat this and make the application more favourable the extension has been shortened in length and the distance to the boundary of the neighbour it impacted has been increased. The new distance is around 1827mm compared to the previous being directly on the boundary, this is therefore a significant increase. As such, this makes the application certainly more favourable and further limits the potential for it to overshadow onto the nearby neighbouring property. The distance to the boundary is further benefitted by the boundary fence on this side alongside the single storey nature of the development, as such there will be minimal material overshadowing and should not harm the amenity of the neighbour.

On the opposite side, the extension is built just as close to the boundary, this is not considered to impact the neighbour on this side due to there being no windows on this side that could be impacted and the majority of where this extension shall be will be nearest to a driveway on the side and therefore this is not an area that would suffer from any overshadowing that could occur.

Planning Considerations

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 inside 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.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 2 & 3 of the South East Lincolnshire Local Plan, along with the identified sections contained within the National Planning Policy Framework. There 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.

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.