DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H06-0165-24**	**Applicant:**	**Mr S Stanberry**
Proposal:	Proposed extension to dwelling		
Location:	92 Gedney Road Long Sutton Spalding		
Terminal Date:	22nd April 2024		

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 and beautiful places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed extension at 92 Gedney Road, Spalding.

This application is a re-submission of application reference H06-1085-23 which was refused for the following reasons:

Reason 1 - Policy 2 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses. Policy 3 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) states that development proposals will demonstrate how an acceptable design of development including residential amenity will be secured. Policy 30 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) states that development proposals will not be permitted where they would lead to unacceptable adverse impacts on the amenities of the area. Paragraph 135 of the National Planning Policy Framework (NPPF, December 2023) states that decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and 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. Finally, Paragraph 134 of the National Planning Policy Framework (NPPF, December 2023) states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

The proposal, by virtue of its design on the roofs and size of the extension for the garage conversion would result in an unacceptable impact on the character and appearance of the street scene due to it appearing out of character and incongruous to the host dwelling and other dwellings in the immediate area. Both the rear extension and the proposed changes to the garage aim to incorporate a gable roof, in doing so, this is in direct conflict with the majority of dwellings along Gedney Road and the host dwelling as they all feature a hipped roof design. The garage specifically causes issues as the gable end of the roof faces the highway and can therefore be viewed from the highway causing further issues on the street scene and locality. Additionally, the gable roof on the rear extension also features a large roof slope/ span on the northern elevation which is significantly lower than the existing eaves, this would appear out of character as no other property features such a unique and offensive design. Justification could be made to state that as the development is at the rear the harm would be limited however, both neighbouring properties would have a clear view of it therefore reiterating the fact that it appears out of character and incongruous.

Additionally, the garage conversion proposes to add around 4800mm to the existing height to increase the ceiling height, in doing so this nearly triples the overall height of the building from its original state and this would be considered to be disproportionate and therefore appear incongruous to the street scene, specifically due to the fact that No. 90 has an identical garage in terms of design with No. 94 also having a similar one. Therefore the design will also appear out of character. Furthermore there are no other properties along Gedney Road that feature two storey garages with the garage only being 1000mm shorter to the ridges than the existing house.

The Local Planning Authority therefore take the view that the design of the roofs on the garage and rear extension alongside the addition of a first floor extension on the garage would make the proposal appear out of character and incongruous when compared to existing properties in this area and if carried out it would cause drastic harm on the street scene and locality. It directly conflicts with Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP, 2019) and Section 12 of the National Planning Policy Framework (NPPF, December 2023) and is refused.

Reason 2 - 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. 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.

Due to the height of the proposal and the minimal separation distances between the southern neighbour and the garage and the northern neighbour and the rear extension, this scheme is considered to cause significant overbearing impacts. From the garage and the southern curtilage

there is a distance of 398mm on the left hand side and 3703mm on the right, these are the same distances to the existing however the height compared to that would significantly increase by around 4800mm. As such, due to the minimal separation distances at both of these sections if the garage development was carried out it would appear overbearing to No. 90, this impact would be most notable from the private rear amenity space and the windows along the rear elevation.

The same can also be applied to the northern neighbour, there is a gap of 1988mm from the boundary to the side elevation. As mentioned before this gap is also not substantial enough and would still cause harm. This distance is the same as the existing but as previously stated the height of the rear section has significantly increased when compared to the existing as it will add another storey in height therefore creating new issues. As existing, No. 94 and 92 plots are linear and the two storey sections are level to the rear elevation with the single storey part protruding back, as such following the two storey extension being carried out this will mean a significant amount will project beyond the rear elevation of the neighbouring property whilst being nearly identical in height. The neighbours will therefore have a clear view from their rear windows and amenity area causing harm through overbearing and a loss of outlook.

Due to the size of the extension at the rear and on the garage and the minimal separation distances between these and the neighbouring properties this will cause an unacceptable and adverse overbearing impact on these neighbouring properties. As such, the proposal is considered to conflict with the provisions of Section 12 of the National Planning Policy Framework (NPPF, December 2023), and Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP, 2019) due to the overbearing impact it will cause.

Site Description

The site is located within the defined settlement boundaries of Long Sutton as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). This property is made of bricks with a tiled roof and white uPVC windows and doors, the windows on the front elevation are bay which is a common design feature for dwellings in this location. It is set back around 20m from the highway with the existing garage being set back even further and level with part of the rear elevation.

History

H11-0563-84 - Change of use of domestic garage to workshop for use in connection with applicant's business as monumental mason - Approved

H11-0929-87 - Retention of monumental masonry workshop without condition 4 of H11-0563-84 & store extension to same - Approved

H06-1085-23 - Proposed rear extension to dwelling and garage conversion including alterations to form annex

Consultation Responses

Gedney Parish Council

Council supports this application.

Lincolnshire County Council Highways

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 ground floor extension to the dwelling. There will be no increase in bedroom numbers, the access will not be affected and the parking is acceptable for the size of dwelling. 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.

South Holland Internal Drainage Board

No comments.

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

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.

The proposed extension will aim to use matching brickwork for the walls of the development, this ensures that it is in keeping and should mean no visual discrepancies arise in this regard. For the roof they shall use a tile to match on the hipped section with the flat roof being Felt GRP. Overall, these materials ensure there should minimal harm on the area and street scene.

A slight internal alteration is proposed within the development, the existing utility will not be used as a snug. The proposed front section of the development shall be used as a garage, it will protrude from the side elevation by around 4153mm and have a total length of 6300mm. The ridge height will be just over 4000mm and have an eaves to 2700mm, as this is a hipped roof design this ensures that it matches the existing dwelling and others nearby. This was a key issue on the previous application as it used mostly gable roofs which conflicted with the existing design along Gedney Road, by now featuring hipped roofs it allows the scheme to now match.

The rear part of the extension will project from the rear elevation by around 5500mm and have a total length of 7500mm connecting it to the existing garage creating a large area of additional floor space. Whilst it is also connected to the new garage coming 4000mm from the side of this and running 3300mm to the existing garages front elevation. This creates an internal floor space of 50sqm which shall act as a new family room providing access to the old garage (now a gym) and can be accessed through the existing dining area which opens up into the room. All the roofs for this section will be flat with large protruding roof lights. Whilst flat roofs are not commonly favourable to the LPA as they will mostly be to the rear they are therefore concealed from view of the highway plus the existing garage is of a flat roof and therefore this matches. The heights vary with the highest part on the front and rear being 3000mm and the smaller side section being 2700mm.

The measurements for both are considered to be proportionate in comparison to the host dwelling and are much more acceptable in relation to the previous refusal application. 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 is an adequate separation distance between the extension and the surrounding plots which should reduce any shadow that is cast and should overshadowing occur the amount will be minimal due to it only being able to occur when the sun is at its lower, plus the plot behind is large open undeveloped amenity space set away from the dwelling on this land. In any case, as the extension in this case is now purely single storey there should be minimal cause for concern.

Despite the addition of some new windows on the ground floor, these should not cause significant harm due to them being located on the ground floor with no new windows on any first floor elevation. There are also no windows facing any existing neighbouring plot and therefore this should also limit the potential for overlooking to occur and no material privacy will be lost.

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 outside the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and causes no unacceptable impact on the highway, 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 significantly 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 not directly comply with Policies 2 & 3 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPFF) (December 2023) but has been justified as to why it is acceptable and should therefore be approved. These are not 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.