DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H06-0677-24**	**Applicant:**	**C Walls**
Proposal:	Single storey rear extension & two storey rear & side extension		
Location:	Tea Rose Cottage Main Road Gedney Drove End		
Terminal Date:	21st October 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving well designed and beautiful places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a two storey rear and side extension, along with a a single storey rear extension at Tea Rose Cottage, Main Road, Gedney Drove End.

Site Description

The site is located within the defined settlement boundary of Gedney Drove End as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP).

History

No relevant planning history.

Consultation Responses

Gedney Parish Council

Council has no objection to this application.

Lincolnshire County Council Highways

Recommendation: No objection

The proposal is for Single storey rear extension & two storey rear & side extension and it does not have an impact on the Public Highway or Surface Water Flood Risk.

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.

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.

South Holland Internal Drainage Board

No objections.

Public Representations

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.

This can be summarised as follows:

- In principle, not against the development. However the single storey extension to the rear appears to require foundations on a neighbouring property. Detail will be required for the Party Wall agreement and proposed method for joining the two upper storey roofs.

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 Gedney Drove End 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 proposed single storey extension would protrude approximately 3000mm from the rear, with the width on the opposite elevation sitting at around 4494mm and would have a length of 7276mm running adjacent to the boundary on this side. It shall then connect back up to the host property with a length of 3300mm.

Furthermore, the design of the scheme creates an overhanging extension with a driveway being located underneath the first floor extension, this means there would be around 10000mm of brickwork from the front of the new extension to the front of the site itself.

To the first floor, the extension would protrude from the side by around 3300mm on the front and approximately 11400mm to the rear. Finally, it would adjoin the neighbouring property creating a new party wall with the width to the rear being around 7173mm.

These measurements are considered to be acceptable and proportionate, to the host dwelling and whilst it shall project back somewhat significantly it would be level with the neighbouring build line who had permission for a similar extension previously. This ensures the proposal would be in keeping with the area. In addition to this, the height of the extension would be slightly dropped so it remains subservient and subordinate in this instance.

The design of the extension proposes that the second storey overhangs above the driveway to allow for parking to remain on site, whilst providing first floor accommodation above to allow for two bedrooms (one with an en-suite and walk in wardrobe), as well as a shared bathroom and office/study area. Although there are no other properties that feature such a design in the immediate surrounding context, it is considered to be acceptable in this instance.

The materials of the proposed extension would comprise a rendered finish to the walls, with roof tiles to match the existing. The rear extension would feature a flat roof to be made from GRP. Whilst flat roofs are not commonly favourable, due to its location to the rear, in a similar fashion to the existing, it is considered to be acceptable in this instance.

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 one first floor window within the extension; however, this would solely be used for a shared bathroom and therefore should not materially overlook any surrounding neighbour. The front and rear windows would also be acceptable as they should not present any new harm in comparison to the existing property.

Despite this, there is concern regarding the proximity of the extension to the neighbouring property and the lack of separation, in particular an existing side elevation window. It is therefore considered that due to the proximity, there is an unacceptable material overbearing impact that causes an unacceptable adverse impact to the residential amenity. Whilst this is a singular issue when viewing material harm within the assessment of this application, it is considered to be of such harm that holds sufficient weight, to warrant a refusal in this instance. It is important to note that the case officer in this instance does not believe an amendment would be possible to reduce this harm without completely changing the scheme and the application must be refused on this basis.

Furthermore, there is also considered to be a material impact in relation to overshadowing. Due to the aforementioned proximity to the neighbouring window, there would be an adverse loss of light to the side windows. This, coupled with the combined weight when viewed with the overbearing impact identified above, means that the application results in harm to resident amenity.

As detailed above, the scale and design of the proposal is considered to be such that there would be a significant and unacceptable impact on the residential amenities of the occupiers of the adjacent property. As such, the proposal is considered to conflict with the provisions of 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 dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The number of bedrooms would remain the same; albeit, the size of each would increase to accommodate residents more appropriately, as such, there does not need to be an increase in the amount of vehicle parking spaces on site. The plans detail two spaces directly adjacent to the dwelling and would be featured under the first floor that abuts out. Whilst this is design if not similar to other properties it should not cause an issue and still provides adequate parking spaces in this instance.

Furthermore, Lincolnshire County Council Highways Authority raised no objections stating 'The proposal is for Single storey rear extension & two storey rear & side extension and it does not have an impact on the Public Highway or Surface Water Flood Risk'. There is no reason to refuse this application on highway safety grounds.

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).

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 inside the defined settlement boundary when viewed in principle. However, whilst the development herby proposed does not materially harm the character or appearance of the locality, it is considered that the proposal gives rise to harm to the amenities of the western neighbour, as outlined above. It is therefore considered that it does not conform to the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework when viewed as a whole.

In this instance, this is a material consideration that weighs against the proposal and as such, the planning balance is not 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 and 36 (Appendix 6) but not in accordance with Policies 2 and 3 in relation to the impact on residential amenity of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPFF) (December

2023). This is a significant factor in this case that indicates against the proposal and outweigh the consideration against the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be refused under Delegated Authority.