DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H06-1085-23**	**Applicant:**	**Mr S Stanberry**
Proposal:	Proposed rear extension to dwelling and garage conversion including alterations to form annex		
Location:	D G Hill Memorials 92 Gedney Road Long Sutton		
Terminal Date:	1st February 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	0	0	1
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed rear extension to the dwelling and garage conversion including alterations to form an annexe.

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

Consultation Responses

Gedney Parish Council

Council is concerned over the proximity of the proposed double height annex to the neighbouring property which is single height.

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, no letters of representation have been received.

Key Planning Considerations

The main issues and considerations in this case are (but not limited to):

- Layout, design and Impact on the Character of the Area
- Impact on Neighbouring Residents/ Land Users/ Land use
- Highway safety and Parking

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.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

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.

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 development aim to match the existing throughout, this ensures that it is in keeping and will not create any unwanted and harmful visual discrepancies on the street scene and locality.

The extension shall protrude from the rear by around 7700mm which will come level to the existing rear section of the utility and have a total width of 7000mm to fill in the area entirely. On the first floor the extension will sit on top of the ground floor section and shall be the same measurements and foot print, it shall protrude from the rear by around 7700mm on the south side and 8000mm on the northern side due to it being slightly set back and projecting from the side by around 500mm. Finally, the width will be approximately 101000mm. The height to the ridge of the existing house is 8500mm with the proposed ridge sitting at 8200mm, due to it being slightly dropped from the top it allows the development to appear subservient to the host dwelling. Furthermore, the eaves shall be level throughout to the main house at 5300mm, at the rear there is a sloped section which is significantly lower than the existing with the eaves being 3300mm from ground floor level.

The extension on the ground floor proposes a 36% increase in internal floor space, this section of the extension is less significant in comparison to the first floor due to them filling out the area to the rear and creating minimal additional room when compared to the main dwelling. Alongside this, the second storey section of the extension proposes an increase of around 100% doubling the internal ground floor space on the first floor, this provides room for an extra bedroom whilst also relocating the shared bedroom. It is important to note that this is of the same foot print to the ground floor having the same width and length, therefore despite the large increase in floor space it is considered to be acceptable and proportionate.

The front elevation features no changes where as all other elevations will be altered through new windows, new doors and the extensions etc. In doing so, it keeps the bay windows which can be seen as a prominent design feature along this section of Gedney Road. At the proposed south elevation two new windows shall be featured on the first floor (one being frosted) whilst on the ground floor a door and window will be blocked up for the extension to be located here and two new doors will be on this side for the external access into the dining room and family area. On the opposite side (north) the existing windows will remain with one new window being introduced into the utility and four roof lights are proposed, these shall be within the bedroom and bathroom. Finally, at the rear all existing windows will be blocked up due to the location of the extension with a bi-fold door going in the family room and an access door in the utility which shall remain as existing, a new window shall be located in the bedroom with a Juliet balcony being sited adjacent to this. The existing property features a hipped roof along all elevations including the rear single storey section, this is a common feature for the dwellings at Gedney Road with almost all using this roof design for their properties. The scheme proposes to use a gable roof in a contradictory manner for the rear

extension with a large roof slope/ span on the northern elevation which is significantly lower than the existing eaves, despite it being located to the rear the properties either side will have a view of the extension which therefore ensures that it will appear out of character and incongruous due to the different roof design. Furthermore, the long roof slope will also appear out of character with no other property featuring such a unique and offensive design. Therefore, this proposal conflicts with Policies 2 and 3 of the SELLP and Section 12 of the NPPF due to its differing roof design and the impact this will cause on the street scene and locality.

The existing dining room shall be opened up and extended into the rear extension to create an open plan dining/ family room with a WC and utility adjacent to this. There shall be two sets of bi-fold doors within the family area to allow for access into the garden and natural light into the habitable rooms. The internal length of the utility shall be shortened to allow for the existing WC to be extended. The kitchen, hall and lounge shall remain unaltered. The existing front four bedrooms on the first floor shall also be unchanged whilst the shared bathroom is to be demolished to allow for a new hall into the rear extension which shall lead to a fifth bedroom on site. This bedroom shall feature an en-suite and walk in wardrobe whilst the new shared bedroom shall also be within the extension.

The proposed garage conversion also features some changes to its design, layout and size. The ground floor section will be unaltered in size having a length of 9800mm on one side and 6500mm on the opposite side, the front width is approximately 6000mm and it has an angled width also sitting at around 6000mm set back by 430mm. The development for the garage features a new first floor section which has the same length and width of the smaller section on the ground floor (6000mm width and 6500mm length). The height features a significant change to allow for the addition of a first-floor area, the existing garage features a flat roof which comes up to 2600mm where as the development aims to convert it into a gable roof and pitched on the side. The eaves will be 3000mm and the ridge 5000mm for the smaller side pitched roof and 4300mm (eaves) and 7500mm (ridge) for the second storey. The ground floor will have a total internal floor space of 50 metres squared with the first floor section being around 40 metres squared.

To allow for the garage conversion to be carried out there will be some internal changes for new room layouts. The existing garage will be significantly reduced in length to now only be 2800mm whilst keeping the same width, to the rear of the existing garage is a small store area. The remainder of the garage and the store will now become an open plan lounge with a kitchen and the stairs to the first floor. As mentioned, the first-floor area is completely new to this garage and as such the whole layout is different, it shall feature two bedrooms, a small storage area and a shared bathroom. This layout allows for the residents of the annexe to have the relevant accommodation to live independently from the main house, should this application be approved, a condition will be put on to ensure it remains incidental to the main dwelling and shall not be sold on whilst only being used for family members.

Two dormer windows shall be featured on the northern elevation to allow for natural light into the two bedrooms on the side, on the western elevation above the garage, Bedroom 2 will also feature a small round window for further light. A new window shall be incorporated for the kitchen with two new access doors also going on the northern elevation one shall provide access to the main annexe and the other is a side door for the garage. A final window will be located within the bathroom on the south elevation. The use of a gable roof on the garage with the gable end facing the highway makes it appear out of character with the area as almost all of the properties incorporate hipped roofs in their properties and this therefore looks out of character and harms the street scene.

The proposal adds around 4800mm to the existing height to increase the ceiling height on the ground floor and allow room upstairs to accommodate the sloped roof and leave enough headroom. This does however, almost triple the overall height of the building from its original state and this could be considered to not be proportionate and therefore appear incongruous to the street scene, specifically due to the fact that No. 90 (neighbouring property) has a near identical garage in terms of the design and size with No. 94 having a similar one which is set back from the house. Furthermore, there are no other properties in this immediate area to Gedney Road that feature large two-storey garages and this will further harm the street scene, additionally it will be of a similar height to the main house being only 1000mm shorter from the ridges. The LPA therefore take the view this garage conversion with the addition of a first floor extension will make it appear incongruous and cause significant and unacceptable harm to the street and locality of Gedney Road and will appear out of character to existing garages and dwellings in the immediate area, directly conflicting with Policy 2 and 3 of the SELLP and Section 12 of the NPPF.

Taking account of the materials used in the development, as detailed above, the proposal in this sense is considered to be acceptable, it is however unacceptable due to the significant and substantial increase in height and size for the proposed garage conversion which makes it appear incongruous due to it being of a similar height to the host dwelling whilst conflicting the design of existing garages along Gedney Road. In addition to this, the roof design on both the rear extension to the main dwelling the garage makes them appear out of character as they both incorporate gable roofs with the gable roof for the garage facing the highway and therefore this can be easily seen along the highway, directly harming the street scene and locality. Therefore, the design for both the rear extension and garage and the size increase to the garage cause an adverse impact on the character and street scene, this is in direct conflict to 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.

Despite the significant size of both the rear extension and extension to the garage the positioning of the plot will mean no shadow should be cast onto any nearby neighbouring property and as such the neighbours to the north and south will face no impact. There is a separation distance of just over 11110mm and 8421mm to eastern side of the house with around 1411mm and 1783mm for the garage. The separation distances for the house appear to be acceptable and therefore mean no shadow should be cast to the plots to the rear and if a shadow was to be cast this would be at the latest point in the day when the amount of sunlight is already very low. Similarly, the same can be said for the garage despite the distance being much less. A further benefit to the scheme is that the land it abuts appears to be unused amenity space for No. 88 with their main garden to the rear being within much closer proximity to No. 88 and therefore is set forward in comparison to the location of the garage and dwelling. Therefore, the separation distances should reduce any shadow that is cast and should overshadowing occur the amount will be minimal due to it only occurring when the sun is at its lowest, plus the plot behind it is large open undeveloped amenity space.

Despite the addition of multiple new windows in habitable rooms on the plot there should be no new issues that occur and there should not be an increase in loss of privacy. The location of the windows are situated in place of or adjacent to already existing windows and there should therefore be no new issues that arise following construction of the windows in the main house, this is in reference to the windows to the rear and both side elevations. In regard to the proposed garage conversion windows, there shall be two dormer windows on the northern elevation for the bedrooms facing the host properties rear garden, any view this could provide to No. 94 to the north would be limited due to the separation distance plus the rear extension could also block this. On the west elevation there shall be another window for the bedroom however this will be facing the highway and is also acceptable. Finally, no windows shall be located on the rear with one window on the south but as this is a bathroom it will be frosted and no view shall occur. Overall, no overlooking concerns should arise following the development being carried out and no material loss of privacy should occur.

Concerns from the Parish Council have been raised regarding the proximity of the height of the annexe to the neighbouring property which is a bungalow. The separation distance to the bungalow from the south side of the annexe is 398mm on the left hand side and 3703mm on the right, this distance is the same as the existing however it is important to note the significant increase in height for the garage with it adding around 4800mm in height from the existing flat roof. As such, due to the minimal separation distance at both points, specifically the western side, if the garage was developed the significant increase in height would make it appear overbearing to the southern neighbour. When considering the impact it would have through the amenity space being located on this side plus existing rear elevation windows facing this direction, it would cause detrimental and severe harm to the neighbour and appear overbearing. Furthermore, the same can be said for the northern neighbour in relation to the rear extension. There is a gap of 1988mm from the boundary to the side elevation, this is clearly a very minute gap between the properties with the height of the

proposal being much higher than the existing as what is there currently is only single storey with the new height being nearly level with the existing dwelling. When viewing No. 92 and 94 currently you can see they are linear at the two storey level with the single storey rear part of 92 protruding back from the rear. This proposed two storey rear extension will therefore now project beyond the rear elevation of No. 94 by a significant amount whilst being almost identical in height, this means the neighbour will have a clear view from their rear windows and amenity area causing a significant and harmful loss of outlook. The proposal is therefore conflicting with Policies 2 and 3 of the SELLP and Section 12 of the NPPF in terms of the overbearing impact it will cause and should be refused.

As detailed above, the scale and design of the proposal would not cause any overshadowing issues and the windows will be located in similar or adjacent places to existing windows so there should be no new issues in this regard. However 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 (December 2023), and Policies 2 and 3 of the Local Plan due to the overbearing impact it will cause.

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 up to three bedrooms three spaces for dwellings with four or more bedrooms. The extension proposes to introduce a fifth bedroom at the site where as the existing has four, as such, three spaces should be provided for the residents at the dwelling. The drive to the front of the site provides ample room for three vehicles with room for more, therefore the scheme conforms to Policy 36 and Appendix 6 whilst also being in accordance to Section 9 of the NPPF as it does not cause an unacceptable impact on the highway.

Planning Balance

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 inappropriate development within the defined settlement boundary. The development hereby proposed materially harms the character and appearance of the locality due to its design of the roof on both the rear extension and the garage and due to the significant increase and extension on the garage. Additionally, whilst it does not cause harm surrounding overshadowing or overlooking it does cause significant and unacceptable harm on the neighbouring properties due to its size and closeness to the boundaries and therefore appears overbearing, the impact on amenity is therefore considered drastic and harmful. The application should be refused for these reasons. The proposal conflicts with Policies 2 and 3 of the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework due to its design and it appearing overbearing.

In this instance, these are significant material considerations that weigh against the proposal and as such, the planning balance is against 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 Policy 36 (including Appendix 6) however it conflicts with Policies 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) due to the aforementioned deign and size concerns further impact the overbearing potential. These are significant factors in this case that indicate 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.