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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H06-1085-23 **Date of Decision:** 18th January 2024

Applicant: Mr S Stanberry
D G Hill Memorials
92 Gedney Road
Long Sutton
Spalding
PE12 9JU

Location: D G Hill Memorials 92 Gedney Road Long Sutton Spalding

Description: Proposed rear extension to dwelling and garage conversion including alterations to form annex

South Holland District Council hereby give notice that this application has been REFUSED for the above proposal for the following reason(s):

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.

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

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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.

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. However, the issues are so fundamental to the proposal, due to the harm which has been clearly identified within the reason(s) for the refusal, that approval has not been possible.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

The determined plans are:

Application Form
6871/PL03D
6871/PL01
6871/PL02B
6871/PL04A



Phil Norman
Head of Planning
South Holland District Council

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

https://www.gov.uk/appeal-householder-planning-decision

https://www.gov.uk/appeal-planning-decision

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planning inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**.

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in

giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.