DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0173-24**	**Applicant:**	**Mr B Cunnington**
Proposal:	Proposed extensions & alterations to existing dwelling		
Location:	Siloam 254 Siltside Gosberton Risegate		
Terminal Date:	22nd April 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
28	The Natural Environment
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	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This submission comprises a householder application seeking permission for the erection of extensions, including a single storey front, single storey side and two storey rear extension, along with alterations to the existing dwelling at 254 Siltside, Gosberton Risegate.

Site Description

The site is located within the defined settlement boundaries of Gosberton Risegate as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). The property is made from brickwork with a tiled roof and uPVC windows, it is set back from the highway by around 15m, with the front and side boundaries covered with a hedge.

A tree, protected by a TPO, is located to the front of the site with multiple others scatted along Siltside.

History

H08-1167-08 - Proposed single-storey rear extension - Refused

H08-0174-17 - Proposed two storey rear extension - Approved

Consultation Responses

The responses received from consultees during the initial consultation exercises can be summarised as follows:

Lincolnshire County Council Highways Authority

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 extensions & alterations to existing dwelling. There will be no increase in bedroom numbers, no changes to the access and there is sufficient parking remaining on site. 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.

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.

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 proposal would comprise a small front extension, protruding 2000mm from the front elevation of the dwelling, and would comprise the same width as the lounge, being around 4000mm. this addition would therefore 'in-fill' a gap at the front of the property, creating a small amount of additional floor space. The height for this addition would be around 3600mm to the ridge and 2600mm to the eaves - the height is level to the side section.

The proposal also includes an extension to the side, projecting by around 2100mm and runs the full length of the dwelling, this being 8800mm. Each extension would incorporate a hipped roof design, which does not comprise an exact match to that of the host property, but allows an enhancement of the design to this proposed elevation. Furthermore they are also proportionate in comparison and whilst not creating a significant amount of floor space, it adequately provides more habitable rooms.

The proposed rear extension protrudes by 5400mm, with a width of 4200mm, and is proposed to be two storey in scale. It is level to the eaves of the dwelling, but would comprise a ridge height of 6400mm, sitting below that of the host dwelling, providing a subordinate and subservient addition. the extension, although sizeable, is considered to be proportionate, despite it proposing an addition that is fairly substantial overall. In any case, many other nearby properties have large rear sections and this extension will mean 254 Siltside now sits level to the rear most point with many of these plots.

Finally, the proposal also incorporates some alterations as part of the development. The front extension will create more internal floor space for the lounge, whilst the side extension will act as a new office to the front and utility to the rear. The dining room will also be opened up into the ground floor rear extension creating access to a new snug with a set of bi-fold doors. On the first floor the existing rear bedroom will be converted into an en-suite and a walk-in-wardrobe whilst a new master bedroom will be sited in the first floor rear extension. This new bedroom will feature a Juliet balcony on its rear elevation.

The brickwork, roof tiles and windows propsoed as part of the development would all match the existing materials used on the property. The windows would be a timber effect uPVC. There would also be a new front porch made from a solid oak frame, which will be similar in appearance to the colour of the exisitng windows. In doing so, this ensures there would not be a visual discrepancies and there is no harm to the street scene.

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 shall be no material loss of privacy as a result of this proposed development being carried out. There are no side elevational windows proposed facing the nearest neighbouring plot, with one window being located on the west side; however, there is an adequate seperation distance of around 35m between these properties.

As mentioned, a Juliet balcony will be located on the rear elevation and this could be considered to potentially provide a further view; however, a Juliet balcony does not comprise a platform sufficient for its occupier's to stand and differs to a typically balcony arrangement. As such, it is considered that there would be no additional impact in this regard, as there are already windows on this elevation in the existing layout of the dwelling.

In regard to overshadowing, there is the potential for a slight shadow to be cast onto 252 Siltside. Due to the positioning of the plot, the extension could cast a shadow towards the side elevation of the neighbouring property and as a result reduce the light they receive currently. In any case, there are no side elevation windows for this property that could be impacted. Although there is a conservatory at the rear of No. 252, the rear most point of the extension does not come level to this and therefore whilst it could face a slight loss of light, this would not be of a significant impact and does not reuslt in an unacceptable level of harm that would warrent refusal of permission as a whole.

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.

Other Matters

South Holland District Council's Trees and Nature Conservation Officer was consulted on this application in regard to the TPO at the front of the property, her comments are set out below - 'There should not be a problem with the tree and the proposal, as built extension will stick out as far as present porch. Extra sticking out porch looks to just have the two supports at the front. If grant consent will need all the conditions to do with tree protection to British Standards BS 5837: 2012'. As such, as the recommendation for this application is to approve there will be the relevant and necessary conditions to protect the tree.

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. 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.