DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0033-22**	**Applicant:**	**T McCreery**
Proposal:	Extensions & Alterations		
Location:	Holmewood Penny Hill Road Holbeach		
Terminal Date:	11th March 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for the following:

·Two storey front extension measuring 4.9 metres (width) x 5 metres (depth)
·Two storey side extension measuring 4.3 metres (width) x 5.5 metres (depth)
·Single storey garage extension measuring 3.3 metres (width) x 6.5 metres (depth)
·Conversion of existing double garage into an annex comprising one bedroom, en-suite shower room and an open plan lounge/kitchen

The external materials are proposed to match the existing dwelling.

SITE DESCRIPTION

The site forms part of a cluster of properties around the junction between Penny Hill and Washway Road. The wider location is rural characterised by open flat agricultural land. The vacant public house The Bull's Neck (which has planning permission to be solely residential) adjoins the site to the north and the old cottage Northview to the east. Penny Hill is to the west and further fields to the south. A metal gate and brick pillars are on the vehicular access. The main dwellinghouse is fairly set back from the highway. The front area is a mix of lawn and gravel with a defined driveway with turning point. The main property is a two-storey detached house. A triple detached garage of similar appearance is to the northern side of the house. A nearly 2 metre high timber closeboard fence enclose the site other than the front boundary. A hedge comprising a mixture of shrubs and hawthorn is on the front boundary onto Penny Hill.

RELEVANT PLANNING HISTORY

H09-0851-06 - Erection of detached double garage - Withdrawn

H09-1144-06 - Erection of detached double garage (re-submission) - Approved

H09-0903-13 - Single-storey rear extension and extension to garage - Approved

H09-0054-21 - Extension to garage to form annex - Approved

H09-0319-21 - Extension to garage to form annexe - re-submission of H09-0054-21 - approved

REPRESENTATIONS

Holbeach Parish Council

Objection due to overlooking and privacy concerns.

South Holland Internal Drainage Board

If surface water/foul water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). If there are any riparian owned/maintained watercourses within or adjacent to the site boundary and the proposals involve the alteration of a watercourse, consent would be required under the Land Drainage Act 1991 (and Byelaw 4).

Public

Two letters of objection have been received siting concerns of overlooking and loss of privacy.

PLANNING CONSIDERATIONS

Principle of development

The site is outside any settlement boundary, however the proposed extensions would be sited

within the residential curtilage of the existing dwelling therefore the principle of extending the existing dwellinghouse is acceptable.

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise. The key material considerations are addressed below.

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and 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 and sympathetic to local character and history, including the surrounding built environment and landscape setting; 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, among other considerations. Likewise, Policy 2 of the SELLP states 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.

Extensions and alterations to the garage were previously approved which have not been implemented.

The current scheme proposes front and side extensions which would be clearly visible from the public realm given their prominent position. The proposed extensions are considered well designed and proportionate in size to the existing dwelling and plot. The site is big enough to comfortably accommodate the proposed extensions without resulting in overdevelopment of the site and would also retain an adequate amount of outdoor amenity space. The ridge of the roof sitting lower than the existing roofline would create an element of subservience. The proposed use of materials to match the existing dwelling would ensure the extensions are in keeping with the existing dwelling. The proposed development would not appear unduly incongruous within the semi-rural street scene and would not materially harm the character/appearance of the site and the wider area.

As such on balance, the proposed development is considered to comply with the aforementioned policies on design, layout and impact upon the character of the local area.

Impacts upon Residential Amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

Holbeach Parish Council and 2 neighbours have objected to the scheme on grounds of overlooking and loss of privacy. The concerns are noted, however, it is not considered that the proposed development would result in unacceptable overlooking or loss of privacy. This is discussed further below.

The closest neighbour to the proposed development is Northview located to the rear of the application site. The proposed garage extension would be sited close to the shared boundary with this neighbour. However given its small footprint and modest height it is not considered to result in any overbearing impact or unacceptable overshadowing on this neighbour. The proposed two storey front extension would not be visible to this neighbour as it would be blocked by the applicant's existing house. As such no unacceptable impact would result from this element. The proposed two storey side extension would be sited at least 8 metres from the shared boundary with this neighbour. This separation distance is considered sufficient as to not result in any overbearing impact or unacceptable overshadowing. No new first floor window openings are proposed directly facing this neighbour therefore there are no overlooking concerns.

With regards to the property to the north at The Bulls Neck, the closest part of the development to this neighbour is the garage extension. This would be located at least 7 metres from the shared boundary with this property. Given the relationship and its single storey nature this separation distance is considered sufficient. The two storey front and side extension would be sited further away therefore these are not considered to result in any overbearing impact or unacceptable overshadowing. In addition, no new first floor window openings are proposed facing this neighbour therefore there are no overlooking or loss of privacy concerns.

With regards to the property to the South at Mill View, this is located at a significant distance from the application site (at least 36 metres) therefore no overbearing impact would result from the proposed extensions. In addition, no new first floor window openings are proposed facing this neighbour therefore there are no overlooking or loss of privacy concerns.

As such the proposal would accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Parking

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision. It is unclear how many bedrooms the existing dwelling has. The proposed scheme would not increase the number of bedrooms on the site and a maximum of 3no off-street parking spaces would be required. The front driveway can accommodate at least 3no parking spaces and there are 2 additional spaces in the garages. As such the site exceeds the current parking standards.

Drainage

Policy 4 of SELLP is concerned on flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

South Holland Internal Drainage Board has not raised any objections to the scheme but has advised that if a surface/foul water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). The applicant should confirm if there are any riparian owned/maintained watercourses within or adjacent to the site boundary. If the proposals do involve the alteration of a watercourse, consent would be required under the Land Drainage Act 1991 (and Byelaw 4). An informative has been appended to this effect advising the applicant of the Boards Byelaws.

Subject to the above advice the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk and drainage.

Planning Balance

The proposal will not materially harm the character or appearance of the locality, amenity of nearby residents or result in drainage or highway implications. The planning balance is therefore considered to be in favour of the proposal.

CONCLUSION

In light of the considerations above, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 28 and 36 of the South East Lincolnshire Local Plan (2019) and Sections 12, 14 and 15 of the National Planning Policy Framework (2021).

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.

RECOMMENDATION

The application can be approved under delegated powers.