

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0095-24 **Applicant:** Mr & Mrs D Carter
Proposal: Proposed Rear Extension & Alterations - Re-submission of H09-1087-23
Location: 1 Marsh Road Holbeach Hurn Spalding
Terminal Date: 15th April 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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed rear extension and alterations at 1 Marsh Road, Holbeach Hurn.

This application is a re-submission of application reference H09-1087-23 which was refused for the following reason:

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. Similarly, 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.

Concern is raised regarding the impact of the proposed side elevation window within a new bedroom that would provide a clear and harmful view into the private amenity spaces of Three Horse Shoes as well as windows along the rear elevation which are in use for habitable rooms at this property. As such, privacy will be lost in these areas and cause significant and unacceptable harm to the amenity spaces and would be contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the guidance within the National Planning Policy Framework (December 2023) and is therefore refused.

Site Description

The site is located within the settlement boundary of Holbeach Hurn as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). No. 1 is part of a pair of semi-detached dwellings sharing its boundary with No. 2 to the north, both properties are made from the same materials and are identical in terms of design and layout also. Adjacent to this there is another set of semi-detached properties. Opposite the site there is a war memorial within a small green space area, further to the north there is St Luke's Church with a cemetery to the front and side.

History

H09-1087-23 - Proposed Rear Extension & Alterations - Refused

Consultation Responses

Holbeach Parish Council

No objection.

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 a rear extension & alterations - Re-submission of H09-1087-23. Lincolnshire County Council was not consulted on the original application. The proposal will result in an increase in bedrooms from 3 bed to 4 bed. The proposal includes a porch that takes up some of the parking area. The parking plan is not accurate, the telegraph pole is located centrally between the two spaces adjacent to the house. However this exists and they are already parking like this. They can provide sufficient parking for the size of the dwelling. Therefore 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.

South Holland Internal Drainage Board

No objections, consent may be required under Byelaw 3, not required under Section 23 and is not applicable under Byelaw 10.

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.

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 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 will protrude 2500mm from the principal elevation and have a width of around 2100mm to create a new entrance lobby. To the eaves this shall be 2700mm and has a total height of 3600mm, these measurements for the porch are considered to be acceptable and it is not significantly bigger than what can be constructed under permitted development.. On the southern

side the extension will project from the rear by 6100mm whilst on the other side it will be 3700mm due to the layout of the existing dwelling, it will run almost the full width of the house coming just short at the northern side sitting at 8200mm. On the first floor it will protrude from the rear by the same lengths as the ground floor, however the width will be slightly shorter (6100mm) due to the utility section having a pitched roof and only being single storey. The height of this rear extension will come level to the eaves of the existing house (5200mm) with the ridge height being slightly less at 6800mm allowing to it to appear subservient to the host dwelling. In terms of the rear extension, this appears proportionate due to protruding from the rear by around 6100mm and allowing it to fill in the gap at the rear to make it a solid building rather than the current design featuring the rear section sticking out slightly, despite it being two storey the ridge height is down from the existing and therefore as mentioned it allows it to appear subservient. Furthermore, these are the same measurements as the previously approved application and no concerns were raised about the size and therefore no concerns are to be raised in this instance either.

The design features a hipped roof across all elevations including the front porch which is in keeping with the host dwelling and other dwellings in the immediate area to allow it to not appear out of character or incongruous. To the rear, the northern section is a single storey which has a pitched roof sloping towards the side of the rear extension. These features will match its immediate surroundings and therefore not harm the street scene.

As part of the development some internal alterations will be taking place as well. The existing lounge and dining shall swap locations with new access into the rear section through the proposed dining area, the kitchen shall be opened up into the extension to create an open plan kitchen/ breakfast area with a snug. The ground floor bathroom has been shortened to allow for a new access into to the rear single storey utility. On the first floor the existing side bedroom will be replaced with a shared bathroom due to the existing WC being removed to create an access into the rear section for two new bedrooms. Many of these alterations do not require planning permission but have been listed in the plans and therefore mentioned in this report.

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.

Due to the positioning of the site/ plot there should be no shadow cast onto the neighbouring properties, similarly, from the plans provided the 45 degree rule has been referenced and imposed and by lowering the the rear section to feature a part single storey this allows the neighbours rear window to receive direct sunlight despite the development being carried out. As such, there should be no shadow cast onto either neighbouring property.

As mentioned above, the previous application was refused due to concerns surrounding the overlooking impact and the material loss of privacy that would occur should the previous design of the extension have been constructed. The reason for refusal stated *'Concern is raised regarding the impact of the proposed side elevation window within a new bedroom that would provide a clear and harmful view into the private amenity spaces of Three Horse Shoes as well as windows along the rear elevation which are in use for habitable rooms at this property'*, to combat this issue the internal layout was altered and the side bedroom has been relocated further to the rear with the new side window to be purely for an en-suite meaning the window that is facing the previously effected neighbour will be obscure glazed. There are now two windows facing the rear from proposed bedrooms however no material loss of privacy is set to arise from these windows. Overall, it is therefore considered that they have adequately reduced the harm that was caused by the previous

application and no material or significant overlooking should occur and this application is in accordance with Policies 2 and 3 of the SELLP.

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.

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 three spaces for dwellings with four or more bedrooms. Following the extension being carried out there will be an increase from three to four bedrooms and as such three spaces will need to be provided, the drive to the front would be acceptable and provides room for three vehicles to be stored on site and away from the highway.

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 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 appropriate development outside 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, 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (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.