

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Lead Development Management Planner (Interim) - BBC & SHDC

To: Planning Committee - 07 May 2025

(Author: Jess Hill - Senior Planning Consultant)

Purpose: To consider Planning Application H09-0200-25

Application Number: H09-0200-25

Date Received: 26 February 2025

Application Type: FULL

Description: Single storey rear extension

Location: 28 TOLLS LANE HOLBEACH SPALDING

Applicant: Mr & Miss Sinfield & Cresswell **Agent:** JC Architectural Consultant

Ward: Holbeach Hurn **Ward Councillors:** Cllr C N Worth

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H09-0200-25>

1.0 REASON FOR COMMITTEE CONSIDERATION

- 1.1 The site is owned by South Holland District Council and as such, in the interests of transparency, it is considered necessary for the application to be considered by the Planning Committee.

2.0 PROPOSAL

- 2.1 The application seeks full planning permission for the erection of a single storey rear extension at 28 Tolls Lane, Holbeach. The proposed extension measures 7.4m from the existing rear elevation of the dwelling, and the extension measures 5.1m wide. The extension is proposed to feature a flat roof form, measuring 2.9m in height.

3.0 SITE DESCRIPTION

- 3.1 The site comprises land at 28 Tolls Lane, Holbeach. The site features a semi-detached two storey dwelling with a hipped roof form. The dwelling also features a two-storey side extension which features a flat roof.
- 3.2 The site is located outside of the settlement limit of Holbeach, as identified by the South East Lincolnshire Local Plan 2011-2036, and the accompanying policies map. However, the site is within an established area of residential development.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

4.2 South East Lincolnshire Local Plan, March 2019

- 4.3 If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy 01 - Spatial Strategy
Policy 02 - Development Management
Policy 03 - Design of New Development
Policy 04 - Approach to Flood Risk
Policy 36 - Vehicle and Cycle Parking
APPENDIX 6 - Parking Standards

4.4 **National Guidance**

4.5 **National Planning Policy Framework (NPPF), 2024**

- 4.6 Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

4.7 **Planning Practice Guidance (PPG)**

5.0 **RELEVANT PLANNING HISTORY**

- 5.1 No planning applications have previously been submitted within the site.

6.0 **REPRESENTATIONS**

6.1 **Consultation Responses**

6.2 **Holbeach Parish Council**

- 6.3 Fully support the proposals.

6.4 **Lincolnshire County Council - Highways and SUDS**

- 6.5 The proposal will result in 2 additional bedrooms and a bathroom. How many bedrooms does the existing house have? Please can the parking be demonstrated on the block plan.

6.6 **Cllr C N Worth**

- 6.7 No response received.

6.8 **Local Residents**

- 6.9 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.

7.0 **CONSIDERATIONS**

7.1 **Planning Considerations**

- 7.2 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.

- 7.3 The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is 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.
- 7.4 The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.
- 7.5 Neighbourhood Plans also form part of the development plan, however, in this instance there are no adopted Neighbourhood Plans for the area within which the site is located.
- 7.6 The main issues and considerations in this case include the following:
- Principle of Development;
 - Design and Visual Impact; and
 - Impact on Amenity.
- 7.7 These matters are assessed in turn below.
- 7.8 Principle of Development
- 7.9 Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.
- 7.10 Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.
- 7.11 The site is outside of any defined settlement and is therefore within the countryside in planning policy terms. However, it is clear that the site is within a wider residential area and the site is not within an isolated rural position. In any case, the proposal solely relates to the extension of an existing dwelling. Therefore, the principle of such development is appropriate. However, this is subject to assessing the proposal against other relevant material considerations.
- 7.12 Design and Visual Impact
- 7.13 Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed 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.
- 7.14 Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout 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.

- 7.15 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.
- 7.16 Policy 2 of the South East Lincolnshire Local Plan (2019) 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 (December 2024), 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.
- 7.17 These policies accord with the provisions of the National Planning Policy Framework (December 2024) 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.
- 7.18 The existing dwelling comprises a semi-detached two storey dwelling. Tolls Lane mostly features similar semi-detached dwellings. There are however single storey bungalows to the south.
- 7.19 The proposed extension features an L shaped layout and would extend by 7m from the existing rear elevation. The extension is proposed to measure 7.4m in width towards the rear of the extension. The extension is proposed to feature a flat roof and the extension measures 2.9m in height from the ground level.
- 7.20 The proposed extension is approximately 0.5m from the boundary with 26 Tolls Lane, to the north of the site. The extension is approximately 2.6m from the boundary to the south with 30 Tolls Lane.
- 7.21 Within the extension, two bedrooms are proposed and a bathroom. The purpose of the extension is to provide additional living space for occupants within the dwelling who have medical and caring needs. The application is supported by a report that has been prepared by an occupational therapist, which sets out why the additional space is required, based on the individual needs of the occupants. This report, as is considered appropriate, has been kept as a confidential report due to its content containing sensitive and personal information. Notwithstanding this, the recommendations of the report are accepted by the local planning authority and it is acknowledged that there is a genuine need for additional space. This weighs in favour of the proposals.
- The proposed extension is relatively large; however, it is acknowledged that the additional space is required, and also the space needs to be provided at the ground floor level due to the medical needs of the occupants. Although the proposed extension is relatively large, it would be positioned towards the rear of the site and would therefore only be partly visible from the street scene. The proposed flat roof form also helps to keep the scale in proportion to the main dwelling. Furthermore, there are permitted development rights which could allow the dwelling to be extended at the rear by 6m, subject to the prior approval process. This is also relevant in the determination of the current application as this represents a fall back position that could be pursued instead of the current proposals.
- 7.22 The proposed materials will match the existing materials, therefore helping to integrate the extension. For example, red brickwork to match the existing brickwork on the dwelling is proposed. A glass reinforced plastic roof covering is proposed and this would not be visible from the street scene. White uPVC window and door frames are proposed to match the existing.

7.23 The visual impact of the proposed development is therefore 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 (2019) and Section 12 of the National Planning Policy Framework (December 2024).

7.24 Impact on Residential Amenity

Paragraph 135 of the National Planning Policy Framework (December 2024) 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.

7.25 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.

7.26 Due to the scale and positioning of the extension, it would not result in an unacceptable degree of overshadowing of 30 Tolls Lane, to the south of the site. Furthermore, no windows are proposed on the southern side elevation, only a door, and this therefore reduces the potential for overlooking between the properties.

7.27 There would not be an unacceptable degree of overlooking with dwellings to the west of the site due to the separation distances between the proposed and existing elevations.

7.28 The proposed extension is relatively close to the boundary with 26 Tolls Lane, which is located to the north of the site. 26 Tolls Lane features a relatively large garden and as such the proposed extension would not overshadow large portions of the neighbouring amenity space or the dwelling itself.

7.29 Therefore, the impact of the proposed development on the amenity of neighbouring properties and future occupants would be acceptable. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2024), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

7.30 Highway Safety and Parking

7.31 Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) 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, following mitigation, would be severe, taking into account all reasonable future scenarios".

7.32 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.

7.33 Further, Policy 36, to be read in conjunction with Appendix 6, of the South East Lincolnshire Local Plan (2019), sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

7.34 The proposed extension would not alter the parking requirements for the site as the proposed bedrooms are for children rather than adults. Therefore, the parking requirements for the site should not increase as a result of the proposals. It is recognised that Lincolnshire County Council's highways team have queried the parking arrangements for the site and have asked for the parking provision to be set out within the site layout plan. This is not considered to be

necessary in this case as the site has an existing driveway which can accommodate at least one vehicle.

7.35 The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).

7.36 Other Matters

The site is within Flood Zone 3. The site is located within a low hazard rating area, as identified by the South East Lincolnshire Strategic Flood Risk Assessment. As the proposal is for a single storey rear extension, no specific flood risk mitigation is required in this instance.

7.37 **Additional Considerations**

7.38 Public Sector Equality Duty

7.39 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.

7.40 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.41 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.

7.42 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.43 Human Rights

7.44 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).

7.45 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.

8.0 **RECOMMENDATIONS**

8.1 The recommendation is to grant approval for the application.

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:

0483/25/01 - Existing & Proposed Floor Plans, Site Location Plan, Existing & Proposed Elevations, Proposed Block Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

3. All new and replacement brickwork utilised in carrying out the development hereby permitted shall match as closely as possible that of the principal existing building on the site in terms of the type of brick(s), mortar mix and method of bonding.

Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework, December 2024.

4. 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, and subsequently determining to grant planning permission.

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

5. Biodiversity Net Gain

The applicant's attention is drawn to the following Biodiversity Net Gain requirement.

The effect of Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be South Holland District Council.

Under Regulation 5 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 the statutory biodiversity gain condition required by Schedule 7A to the Town and Country Planning Act 1990 (as amended) does not apply in relation to planning permission for development which:

-is the subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at: <https://www.gov.uk/guidance/biodiversity-net-gain>.

Based on the information available and submitted in support of this application, the Local Planning Authority considers that the development hereby permitted is exempt and therefore will not require the approval of a biodiversity gain plan, prior to the commencement of development; with the development comprising a statutory exemption as listed above.

As such, the development hereby permitted will not be subject to the biodiversity gain condition.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

For clarity the LPA do not consider that irreplaceable habitats are present at this site.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where

- (a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and
- (b) the conditions subject to which the planning permission is granted:
 - (i) do not affect the post-development value of the onsite habitat as specified in the earlier

biodiversity gain plan, and

(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.

Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post: Nick Atkinson - Lead Development Management Planner (Interim) - BBC & SHDC

Email: nick.atkinson@sholland.gov.uk

Appendices attached to this report:

Appendix A - Plan A

MapThat Scale Print Title

