DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0306-21**	**Applicant:**	**Miss R Lee**
Proposal:	Demolition of existing dining room, conservatory and garage and rebuild		
Location:	82 Battlefields Lane South Holbeach Spalding		
Terminal Date:	21st October 2021		

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

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

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission to demolish the existing single storey rear extensions and garage and replacement single storey side/rear extensions, creating a kitchen, dayroom and workshop. The external material would match the existing dwelling.

SITE DESCRIPTION

The property is a two storey semi-detached dwelling located on Battlefields Lane South within the Holbeach settlement boundary. The dwelling is red brick built with white door/window frames. The front garden is gravelled and has parking provisions for 4no cars. The immediate area comprises primarily two storey semi-detached red brick built dwellings. The site backs onto an open field.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

South Holland Internal Drainage Board

Requests ground investigation and infiltration testing to be carried out in order to ensure the proposed drainage strategy is suitable. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface 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). Any alterations to a watercourse will require consent from the Board Byelaw 4).

Holbeach Parish Council

No objections.

PLANNING CONSIDERATIONS

Principle of development

The site within the Holbeach settlement boundary and within the residential curtilage of the existing dwelling therefore the principle of a house extension that is incidental to the enjoyment of a 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.

The proposed extensions would be partially visible from the public realm. The design of the extension with a flat roof, although not ideal, would on balance be acceptable given the small side projection and set-back from the front/rear boundaries, they would not appear overly prominent. The footprint/siting of the extensions would be similar to the existing extensions and garage therefore the site would not be significantly different. In addition, sufficient outdoor amenity space would be retained therefore the scheme would not result in overdevelopment of the site. Furthermore the use of matching elevational materials would ensure the extensions are in keeping with the character of the existing dwelling.

As such the extension would comply with the aforementioned policies on design, layout and impact upon the character of the local area.

Impacts upon Residential Amenity

The closest neighbour to the proposed development is the attached property located to the west of

the application site. The proposed replacement extensions would be sited close to the shared boundary with this neighbour, however, given the rear projection would only be 0.5 metres more than the existing single storey element along the shared boundary with this neighbour. As such the relationship with this neighbour is not considered to be significantly different.

With regards to the neighbour located to the east of the application site, although the development would bring the main house closer to this property, the overall impact would be somewhat less than the existing as the replacement extensions would have a smaller rear projection than the existing garage located along the shared boundary. In addition, the height of the replacement extensions would be 2.7 metres which is considered to be acceptable as it would be only 0.7 metres higher than a standard boundary fence which can be erected under permitted development.

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

Drainage

Onsite surface water

Surface water is proposed to be disposed via infiltration however, South Holland Internal Drainage Board has advised that they cannot see that the viability of the proposed drainage strategy has been evidenced. As such it has requested ground investigation and infiltration testing to be carried out in order to ensure the proposed drainage strategy is suitable. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface 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). Any alterations to a watercourse will require consent from the Board Byelaw 4). An informative has been added advising the applicant of this.

Given the above the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and Section 14 of the National Planning Policy Framework (2021) 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 or amenity of nearby residents. 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 and 4 of the South East Lincolnshire Local Plan (2019) and Sections 12 and 14 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.