

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0673-24 **Applicant:** Mr M Matson & Mr D Lee

Proposal: Proposed alterations and single storey extensions to house and fencing to roadside boundaries

Location: 26 Fen Road Holbeach Spalding

Terminal Date: 29th October 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

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

CASE OFFICER ASSESSMENT

Description of Proposal

The proposal seeks planning permission for alterations and extensions to 26 Fen Road. A number of existing features, namely a timber shed, decking and an outside toilet, are to be demolished. The proposal would include:

- A rear extension, with dual pitched roof forming a dining/kitchen area with Bi-folding doors and 6 number roof lights.
- Dual pitched roof over the existing garaging, as well as insertion of fenestration, this would form guest bed with ensuite and study adjacent.
- A replacement rear porch, including steep pitch
- A scheme of fencing has been proposed. Along the site's public facing boundaries, a 1.2-metre-high close boarded timber fence, stained green, is proposed to the front of the existing privet hedge. This would enclose the east and south boundaries. To the north and west boundaries, a 1.8-metre-high close boarded timber fence is proposed. Two sections of internal fencing of height 2.4 metres are also proposed.

Site Description

The site is within the settlement boundary of Holbeach, as identified within the South East Lincolnshire Local Plan, 2019. The site is located the south of the settlement, within a well-established residential setting. The application site takes up a prominent corner plot, fronting Fen Road, with the side of the dwelling viewable from Tudor Way.

In terms of flood risk the application site is located in flood zone 3 in accordance with EA. However, the South East Lincolnshire SFRA considers the area to have a present day low risk hazard.

The dwelling itself is a two-storey dwelling finished in a red facing brick, bookended with chimney stacks. It has an integral flat roof double garage attached to the northern elevation constructed of red brick and the entire property is set back within the plot. The site boundary is treated with a privet hedge and planting and grass exists along with some high hedging inside the plot close to the dwelling.

Relevant History

H09-1219-16 - Full. Single-storey side and rear extension. Approved 04/01/17.

Consultation Responses

Highways & Suds

No comments received.

The consultee has requested two extensions of time to provide comments. They have not been forthcoming.

Officer Comments

The proposal does not make any changes to the existing access arrangement and there is ample space for numerous cars to be parked within the plot. Vehicles can also enter and leave in a forward gear.

Tree Officer

No objections

IDB

I note that the applicant intends to carry out works including the installation of fencing along the northern boundary of the site and a patio to replace the previous timber decking within 9 metres of the aforementioned piped Board arterial watercourse. To enable the works proposed within 9m of the piped watercourse, consent would be required under Byelaw 10, and I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience. To avoid conflict between the planning process and the Board's regulatory regime, we recommend that the required consent is sought prior to the determination of this planning application. The measurements on the proposed site plan, Drawing No. 3559-4 Rev. C (R. Boor Draughtsman,

Aug 2024), would suggest the extension itself is outside of this 9m Byelaw distance, however we strongly recommend that the applicant contacts this office to confirm this.

Public Representations

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.

Key Planning Considerations

The application is for householder development located within a defined settlement boundary. Matters of planning principle are therefore not discussed. The proposal which relates to extensions, alterations, the erection of fencing and the formulation of a patio are considered under the relevant topics:

- Character Impacts
- Residential Amenity Impacts
- Highway Safety
- IDD Watercourse

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.

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.

The policies and provisions set out in the National Planning Policy Framework, December 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Layout, Design, Scale and Consideration of the Character of the Area

SELLLP Policy 2 outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

SELLLP Policy 3 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.

Section 12 of the NPPF, "Achieving well-designed and beautiful places", states 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.

These policies accord with the provisions of the NPPF 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.

The proposed rear extension is screened from the street, being located behind the proposed raised roof above the existing garaging, and therefore would have limited wider impacts. The scale of the

extension is commensurate with the size of the host property and represents a sympathetic approach.

The proposed render is not currently present on the site, it is considered that the material would contrast well with the existing brickwork, and in effect given its location would have limited wider character impacts.

The alteration to the flat roof above the garage would represent betterment, drawing upon the existing features inherent in the roof structure of the host dwelling. The use of matching bricks to the front (to fill in the doors) and matching fenestration would help the conversion to be suitably absorbed into the character of the plot.

The proposed porch is considered to be in keeping with the host. The steep pitch would add an antiquated aesthetic that would better the existing scenario in character terms.

Fencing is proposed to sit in from of the existing privet hedge that treats the application site boundary. This is to be 1.2 m (200mm above PD). This would not result in giving off an unacceptable character appearance especially as the neighbouring property on Fen Road has 1.8m close boarded fencing on this boundary.

Furthermore, some internal fencing located in place of an existing hedge to the south of the dwelling and a small portion to its north is proposed at 2.4m. This fencing whilst high is located a considerable distance away from the boundaries. Its effect is further diluted by the proposal for a 1.2m boundary to the front and the retention of the hedge that currently creates the external boundaries of the application site. In this instance and given the limited amount proposed the erection of 2.4m high timber fencing is considered acceptable.

Lastly the schedule of materials, which represent an appropriate palate are annotated on the proposed plans and would therefore be controlled through the approved plans condition.

On this basis 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 SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Policy 2 and 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.

Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

NPPF Paragraph 135 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.

The rear extension is located close to the boundary with number 4 Tudor Way and would be due west. The extension is of dual pitched construction (measuring approximately 4.4m to the ridge) and is set approximately 2m from the boundary. Given the moderate scale of this extension and its location to the side of Number 4 Tudor Way it is considered that the impacts from overshadowing/overbearing, would not be at a level of harm to refuse this part of the proposal.

All other works are at a sufficient distance away from neighbouring properties to have an unacceptable effect in terms of overshadowing or overbearing. Furthermore, all openings are located in positions that would not result in an unacceptable level of visual intrusion.

The majority of shadow cast by the extension would fall within the proposal site or on the boundary treatments. This will prevent significant amenity impacts from occurring as a result of the development.

On this basis, the proposal is considered to accord with the Section 12 of the NPPF and SELLP Policies 2 and 3 of in terms of impact upon residential amenity.

Highway Safety and Parking

SELLP 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.

SELLP 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.

SELLP Policy 36 of the SELLP, in conjunction with Appendix 6, 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.

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 115 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".

The applicant does not seek to make any changes to the existing access arrangement and the submitted site plan demonstrates adequate space can be provided within the site for at least three vehicles. As such, the proposal is considered to meet the required parking levels despite the garage conversion.

LCC Highways have not made comments however given the proposal does not seek any changes to the access and meets parking standards this is considered acceptable.

On this basis the proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

IDB Water course

In addition to its considerations of flood risk, Policy 4 of the SELLP concerns site drainage. Due to the scale of the proposal, it is not anticipated that the works would have a significant impact upon on site infiltration or drainage and the existing arrangement for the disposal of surface water and waste water would be sufficient.

A watercourse to the north of the application site is an IDB controlled asset. The relevant IDB byelaw requires a distance of 9 metres be maintained to any asset in order to ensure access is maintained. The IDB have made comments stating that fencing and a patio area is within 9m (though all other built form is located outside of this distance).

Given that the patio does not in itself require planning permission, and a fence can be erected under PD it would be unreasonable for the LPA to withhold planning consent on these grounds. Moreover, the IDB under their own legislation (Byelaw 10) have the ability to mitigate and control this issue. Therefore, an informative to this effect will be attached.

On this basis the proposal accords with SELLP Policy 4 with regards to flood risk.

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 within 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 provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole.

Conclusion

Taking these factors into consideration, the proposal is considered to comply with Policies 2, 3, 4, 30, 36 of the SELLP, as well as Section 12 of the NPPF. There are no significant factors in this case

that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.

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.