

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0740-22 **Applicant:** Mr J Fitzjohn
Proposal: Extension & Alterations
Location: 25 Tolls Lane Holbeach Spalding
Terminal Date: 16th September 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01 Spatial Strategy
02 Development Management
03 Design of New Development
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 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for a two storey rear extension to create a kitchen/breakfast room on the ground floor and 1no bedroom and bathroom on the first floor. The extension would measure 5.8 metres (depth) x 4.7 metre (width). The external materials would match the existing dwelling.

SITE DESCRIPTION

The application site is located on Tolls Lane in Holbeach. It is part of a small cluster of dwellings located outside the settlement boundary. It comprises a two storey semi-detached dwelling of red brick construction. There is a driveway to the front providing off-street parking provision for up to 3no vehicles. 2no detached outbuildings are located in the rear garden. The street scene comprises two storey semi-detached dwellings of similar style. The site backs onto open countryside.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

No representations received.

PLANNING CONSIDERATIONS

Principle of development

The site is outside any defined settlement boundary, however, the proposed extension 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.

The proposed two storey extension is considered to be proportionate to the existing dwelling and the plot. The proposed gable end design is considered sympathetic to the existing roof design. The extension is not considered to appear unduly incongruous within the semi-rural street scene and would not materially harm the character/appearance of the locality. The proposed use of matching external materials would ensure the extension is in keeping with the existing dwelling.

As such, 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.

The closest neighbour to the proposed development is no.23 Tolls Lane located to the north of the application site. The extension would be sited approximately 3.3 metres the shared boundary with this neighbour and approximately 5.6 metres from its nearest elevation. Given this separation distance the proposed extension would not obstruct the 45 degree view of this neighbour therefore the scheme could not reasonably be resisted. In addition, this neighbour does not have any primary windows in its side elevation therefore no overbearing impact or unacceptable overshadowing is considered to result. Only one first floor window is proposed in the side elevation facing this neighbour, however this would serve a bathroom and would therefore be obscure glazed therefore

no overlooking or loss of privacy would result from this.

With regards to the neighbour to the south at no.27 Tolls Lane the proposed extension would be sited approximately 3.5 metres from the shared boundary with this neighbour therefore it would not appear overbearing. The bulk of the roof would face away from this neighbour, therefore further reducing the impact. Given the orientation of the property no overshadowing would result on this neighbour. No windows are proposed in the side elevation facing this neighbour therefore there are no overlooking or loss of privacy concerns.

As such the proposal accords 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. The proposed scheme would create 1 additional bedroom within the property, increasing the parking requirement for the site from 2no spaces to 3no spaces. There is sufficient space to the front to accommodate 3no vehicles. As such the scheme is considered to comply with the current parking standards.

Planning Balance

The proposal will not materially harm the character or appearance of the locality, amenity of nearby residents or result in parking/biodiversity 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, 28 and 36 of the South East Lincolnshire Local Plan (2019) and Sections 12 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.