

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H09-1089-21	Applicant:	Mr & Mrs C Parker
Proposal:	Alterations, Single Storey Extension and Garage		
Location:	52 Spalding Road Holbeach Spalding		
Terminal Date:	14th January 2022		

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

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
RESIDENTS	4	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for the following:

- Detached garage measuring 6.6 metres x 6.2 metres and standing at 4.8 metres in height (2.4 metres to the eaves)
- Single storey L shaped rear extension to create an open plan kitchen/dining room/family room, shower room and a gym
- Loft conversion with rear dormers to create 2no bedrooms

It should be noted that the application has been revised and the depth of the rear extension reduced by 5.2 metres.

SITE DESCRIPTION

The application site comprises a two storey semi-detached dwelling located on Spalding Road within the Holbeach settlement boundary. The property is red brick built with bay windows at ground floor level to the front. It has a low boundary wall to the front and the rear garden is enclosed by a hedge. The property benefits from a paved driveway to the front/side leading to a detached garage towards the rear. The immediate area comprises a mixture of detached and semi-detached dwellings.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

Holbeach Parish Council

No comments or objections.

South Holland Internal Drainage Board

It is noted that the applicant intends to discharge the surface water created by the new impermeable area on site to the existing soakaways serving the house. We would recommend that the Local Planning Authority satisfies themselves that this is a viable method of surface water disposal and that the soakaways will be able to work efficiently with the additional surface water run-off.

If there are any riparian owned/maintained watercourses within or adjacent to the site boundary and the proposals involve the alteration of a watercourse, consent would be required under the Land Drainage Act 1991 (and Byelaw 4).

Residents

4no objections have been received siting the following concerns:

- The garage is proposed very close to the boundary of no.20 Fairfields and there are concerns of vehicle noise
- The garage may impact the trees along the rear boundary
- Concerns that the dwelling may be converted into a HMO or care home
- Concerns over how the attached neighbours property will be maintained as the extension is proposed close to the shared boundary with the attached neighbour
- Noise and pollution from the proposed driveway and garage
- The proposal is not in keeping with the area given the depth of the rear extension
- The rear extension would be overbearing to the attached neighbour
- The loft conversion will result in overlooking and loss of privacy

PLANNING CONSIDERATIONS

Principle of development

The site is within the Holbeach settlement boundary and the proposed extension/garage 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.

A local resident has objected to the proposal on grounds that it is not in keeping with the area given the depth of the rear extension. The concerns are noted and the depth of the rear extension has been reduced by 5.2 metres. The amended scheme is considered to be a lot more proportionate to the existing dwelling and the site.

It is accepted that the footprint of the rear extensions is quite considerable, however, on balance this can be accepted as sufficient outdoor amenity space would be retained. In addition, the rear projection would be similar to the attached neighbours rear projection therefore the development is not considered to be out of character with the immediate area. Furthermore there would not be any prominent views of the proposed development from the public realm given the extensions and the garage would be blocked by the existing two storey house.

As such on balance, 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

The adjoining/attached neighbours have raised concerns that the proposed garage/driveway would result in noise and light pollution, the loft conversion would result in overlooking and loss of privacy and the rear extension would be overbearing to the attached neighbour. With regards to concerns of noise and light pollution from proposed garage/driveway it is not considered that there would be unacceptably increased levels of noise generated given the vehicle movement would be similar to the existing and what can be expected from a residential property. The other concerns are also noted and discussed below.

The closest neighbour to the proposed development is the attached neighbour at no.50 Spalding Road. The proposed house extension would have a similar rear projection to this neighbour's existing rear projecting element along the shared boundary with the application site. As such the majority of the proposed development would not be visible to this neighbour. The proposed garage would also offer limited views given the presence of the high boundary hedge. As such the impact on this neighbour is considered to be within acceptable tolerances.

With regards to the neighbour at no.54 Spalding Road located to the west of the application site the proposed house extension would be located at least 5 metres from the shared boundary with this neighbour and the garage would be located some 10 metres away. Given the single storey nature of the proposal and the relationship with this neighbour this separation distance is considered to be sufficient as to not result in any overbearing impact or unacceptable overshadowing.

With regards to the neighbours to the rear, the proposed garage would site close to the rear boundary, however, given its single storey nature and limited height it is not considered that this element would result in any overbearing impact or unacceptable overshadowing. The proposed house extensions would be sited a significant distance from the rear boundary.

The proposed loft conversion and rooflights can be done under permitted development therefore this element could not be reasonably resisted. In any case the new windows in the loft would offer

similar views to the existing first floor windows in the rear elevation therefore it is not considered that this element would result in any increased overlooking or loss of privacy.

As such the proposal would accord 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 an additional bedroom on the site, however, the parking requirement would not increase and a maximum of 3no off-street parking spaces would be required. At least 3no parking spaces would be retained in the driveway to the front/side and additional parking would be created in the proposed garages to the rear. As such the scheme is considered to comply with the current parking standards.

Drainage

Policy 4 of SELLP is concerned on flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

South Holland Internal Drainage Board has not raised any objections to the scheme but has advised that as the applicant intends to discharge the surface water created by the new impermeable area on site to the existing soakaways serving the house the Local Planning Authority should ensure that this is a viable method of surface water disposal and that the soakaways will be able to work efficiently with the additional surface water run-off. It further advised that any alterations to a watercourse will require consent from the Board Byelaw 4). An informative has been appended to this effect advising the applicant of the Boards Byelaws.

The proposed scheme is not considered to significantly increase surface water as majority of the area on which the proposed extension/garages would sit on area already hard surfaced. As such there would not be a significant increase in hard surfaced areas on the site.

As such the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk and drainage.

Trees

The neighbour to the rear has raised concerns that the proposed garage would impact the trees along the rear boundary. The concerns are noted, however, the proposed garage appears to be located a sufficient distance from the rear boundary. In addition, the trees in question do not appear to be of high amenity value therefore it is not considered reasonable to request a tree protection scheme.

Other matters

Local residents have raised concerns that the dwelling may be converted into a HMO or care home. The concerns are noted, however, the submitted plans do not indicate this therefore if and when this is proposed it can be considered.

The attached neighbour has raised concerns over how they will maintain the side of their property given the extension is proposed close to the shared boundary with the attached neighbour. The concerns are noted, however, this is a civil matter and not something the application could be resisted based on.

Planning Balance

The proposal will not materially harm the character or appearance of the locality, amenity of nearby residents or result in drainage or highway 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, 4 and 36 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.