

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H11-1055-23 **Applicant:** Mr & Mrs K Kearns
Proposal: Extension & Alterations
Location: 17 Windsor Gardens Long Sutton Spalding
Terminal Date: 2nd February 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
36 Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 9 - Promoting sustainable transport
Section 12 - Achieving well designed and beautiful places
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
SHDC INTERNAL	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for extensions and alterations to 17 Windsor Gardens.

Site Description

The site lies within the defined settlement boundaries of Long Sutton as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). The dwelling sits adjacent to the Conservation Area and a plethora of Listed Buildings and buildings with Article 4 Notices, it is one of five properties at the bottom of Windsor Gardens, each property is of a similar design, style and layout. No. 17 is made from bricks with a tiled roof and white uPVC windows and doors.

History

No relevant planning history.

Consultation Responses

Long Sutton Parish Council

No objections if neighbours are happy with the proposal.

South Holland District Council Conservation Officer

No objections.

Whilst the host property does sit adjacent to the curtilage of a grade II listed property, the proposed extension would be on the far side of the host property and is situated a considerable distance away from the asset, shielded by existing planting. Therefore, I do not consider this proposal to have any effect upon the setting, and therefore appreciation of the listed building nearby.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of representation has been received and is summarised as follows:

- The area where the alterations will be made is a close and the property is in the corner of this close.
- These alterations are very likely to use all the close space and will affect all the properties in this area.
- The property doesn't have off road space and access for different truck and other tools which will be used.
- Will create noise and disturbance in a very quiet area. It is also not clear what is this project about.
- I hope that the green public area in front of 17 Windsor Gardens will be preserved and will not be a "Sore eye" for those in the close.
- The driveway also is already in poor condition and these works raise the concern that will be affected more. To consider checking and repair the driveway if appropriate .

Key Planning Considerations

The main issues and considerations in this case are (but not limited to):

- Layout, design and Impact on the Character of the Area
- Impact on Neighbouring Residents/ Land Users/ Land use
- Highway safety and Parking
- Heritage Considerations

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019,

forms 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 (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Planning Considerations

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

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful 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.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture 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.

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.

Likewise, Policy 2 of the South East Lincolnshire Local Plan 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, 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.

These policies accord with the provisions of the National Planning Policy Framework 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 materials of the extension will match the existing property. This ensures it is keeping with the host dwelling and that no visual discrepancies will arise following the development being carried out.

The ground floor section of the extension will protrude from the side elevation by around 2700mm and project from the front of the existing garage by 4100mm. Above this, the first floor extension will run the full length to be level with the ground floor section, as such it has a total length of approximately 9700mm whilst projecting from the side by around 2700mm. Both the eaves and ridge heights will be level with the existing dwelling coming up to 4700mm and 6500 respectively. By design, the extension appears out of character and unsympathetic with the neighbouring property, No. 15 had an extension approved under H11-1094-88 which was of a similar style however it was set much further back within the property and therefore now makes the house a sort of L shape with a small car port overhanging. The proposed extension at No. 17 would appear more suitable for the area if it incorporated a similar design to this whilst also dropping the ridge height so it looks more subordinate at the same time, by failing to introduce either of these designs it means

the extension conflicts with Policies 2 and 3 of the SELLP and Section 12 of the NPPF and should be refused for this reason.

Furthermore, as part of the development there will be some alterations taking place. Internally, the existing garage will be converted into a family room whilst the garage will be situated in the front of the ground floor extension. Access to this new family room will be provided through a new door in the lounge/ dining area. There shall be a new set of bi-fold doors at the rear allowing access into the garden from this room. On the first floor the master bedroom will be opened into the extension to now feature an en-suite for the residents, alongside this, there will now be room for an extra bedroom with a dressing area. Many of these alterations do not require planning permission but have been listed within the plans and therefore mentioned in the report.

Taking account of the materials and alterations within the proposal it is considered to be acceptable, however, the design and scale, as detailed above, cause unacceptable harm to the character and appearance of the locality by not appearing sympathetic to the other properties down Windsor Gardens. The proposal therefore causes an adverse impact to the character and appearance of the area and would therefore be in conflict with Policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/ Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) 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.

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.

There shall be no overlooking as a result of this development being carried out, there shall be no windows on the side elevation where the extension is being developed and as such there is no window that will provide a clear view into a neighbouring property. A window shall be featured at the rear, however, this will act as an en-suite and due to the nature of the room it will be obscure glazed and therefore will not result in a loss of privacy.

Shadow Cast Drawings have been submitted alongside this application due to concerns that overshadowing would arise following this extension being carried out. These drawings clearly outlined that a significant and material increase in loss of light would occur on the neighbouring property particularly due to them having a window located on the front with the drawings showing how as existing there is no shadow where as the proposed drawings block the majority of light from entering this room. An amendment was requested to combat this issue, however this was not submitted and therefore the proposal is not acceptable in this regard. Therefore, due to the proposed extension being sited level to the front elevation this causes a significant and material increase in overshadowing and should be refused.

As detailed above, there are no concerns surrounding overlooking however due to the scale and design of the proposal it is considered to be such that there would be significant and unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users due to a drastic increase in overshadowing. As such, the proposal is considered to conflict with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) 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".

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.

Further, policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least three spaces for dwellings with four or more bedrooms. Following the development being carried out, the property shall see an increase from three to four bedrooms resulting in them needing at least three vehicle spaces, the drive to the front would be sufficient enough to provide room for at least two vehicles with the proposed new garage not meeting the requirements to count as an additional space, therefore, not providing enough room for suitable vehicle parking. Despite this, whilst not being within the curtilage of this property there is room and availability for safe on street parking opposite the dwelling, to further support this, the dwelling is situated away from main roads with only a row five dwellings along this street, as a result on street parking is not considered to cause any issues. Therefore, whilst not directly conforming with Policy 36 and Appendix 6 it is not considered to cause unacceptable impact on highway safety therefore conforming to Section 9 of the NPPF.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents inappropriate development within the defined settlement boundary. The development hereby proposed materially harms the character and appearance of the locality, and amenity of nearby residents. Whilst not providing adequate parking for all residents this has been justified as to why the scheme as a whole is still considered to be acceptable. The proposal conflicts with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, these are material considerations that weigh significantly against the proposal and as such, the planning balance is against the development.

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.

Conclusion

Taking into consideration these factors, the proposal is considered to comply with Policy 29 whilst directly conflicting with Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023) due to the aforementioned design and overshadowing concerns. These are major and significant factors in this case that outweigh the benefits of the proposals; therefore, in considering all the matters raised above the planning balance is against the proposal and the policies referred to above.

Recommendation

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