DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H12-0058-22**	**Applicant:**	**Mr J Dolman**
Proposal:	Erection of rear extension		
Location:	77 Marsh Road Lutton Marsh Spalding		
Terminal Date:	28th March 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

National Guidance

National Planning Policy Framework 2021

Section 12. Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	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 conservatory to the rear and erection of a single storey rear extension with a rear projection of between 3 metres and 4.3 metres, extending the width of the dwelling and standing at 2.6 metres in height. The extension would have a single ply membrane roof in grey and all other external materials would match the

existing dwelling.

SITE DESCRIPTION

The application site comprises a semi-detached chalet bungalow located on Marsh Road in Lutton Marsh. The site is located outside any settlement boundary and within the open countryside. The property is brick build and is white painted with part cladding on the gable end. There is one attached dwelling to the east and the rest of the immediate area is primarily open countryside. The site s accessed via a private access road off Marsh Road.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

South Holland Internal Drainage Board

The applicant has not identified or provided a drainage strategy for the proposed new impermeable area within their application. If 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).

The applicant has not indicated how treated foul water from their site will be disposed of. If the applicant wishes to discharge foul water to a watercourse this proposal will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

There is an adopted watercourse which (a riparian watercourse) adjacent to the site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4).

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 extension would be clearly visible from the public realm given its location and the open nature of the application site. However, the proposed extension would not appear overly prominent given its set back from Marsh Road. In addition, its rear projection and height is considered subservient to the existing dwelling. Furthermore the use of matching elevational materials would ensure the extension is in keeping with the existing bungalow.

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.

There is only one immediate neighbour which is the attached neighbour to the east of the application site. The proposed extension would extend 4.3 metres beyond the rear elevation of this neighbour. The proposed extension would sit close to the shared boundary with this neighbour. Given the applicant could erect a 3 metres rear extension under permitted development and the proposed scheme is only 1.3 metres beyond that, it is not considered significant enough to warrant a refusal. The extension would sit only approximately 0.6 metres higher than the existing boundary fence therefore it would not appear overbearing and any overshadowing would be minimal and within acceptable tolerances.

As such the proposal would on balance accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

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 if a surface/foul 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). There is an adopted watercourse which (a riparian watercourse) adjacent to the site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4). An informative has been appended to this effect advising the applicant of the Boards Byelaws.

Subject to the above advice 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.

Planning Balance

The proposal will not materially harm the character or appearance of the locality, the amenity of nearby residents or result in drainage issues. 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 South East Lincolnshire Local Plan (2019) and Section 12 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.