

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H12-0190-20 **Applicant:** Mr & Mrs S Laker
Proposal: Extension and Alterations
Location: Oakwood Marriots Gate Luton
Terminal Date: 27th July 2020

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 2019

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	0	0
WARD MEMBER	0	0	0	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder planning application that seeks permission for an extension and alterations to

the property Oakwood, Marriots Gate, Lutton, Spalding.

The proposed development is a two-storey side extension to the northern side elevation of the dwellinghouse. Alterations are proposed internally to merge the new development to the existing house structure and ensure access between both parts of the building.

The initial proposal was gable pitched, in keeping with the main roof of the house. In light of a public objection and case officer concerns, revised plans were submitted proposing a hip roof in order to comply with BRE 25 degree rule from the windows in the opposing elevation and overall ensure acceptable amenity standards to the adjacent residents.

Site Description

The site sits within a short ribbon of frontage residential development in an otherwise rural location. Several other clusters of properties are spread across the locality. The site is approximately 475 metres to the south of the built-up area of Lutton and 530 metres to the north-east of the developed footprint of Long Sutton.

The site is long narrow rectangular. The appearance is visibly residential. The front part is surfaced with gravel. No boundary treatment adjoining the road. A nearly 2 metre timber close board fence is on the southern boundary with shorter height in the first metres from the road. Mature hedgerow bounds the site with the adjacent property Penhale to the north. The rear garden is spacious, mostly laid in lawn and slabbed paving forming a patio to the rear of the building. Adjacent to the south, there is a vacant plot of land.

The application property is a two-storey detached dwellinghouse and Penhale is a detached bungalow, both built circa early 1980s.

History

H12-0970-78 - Erection of dwelling with double garage and access on plot 1 - Approved

H12-1011-79 - Erection of dwelling with double garage and access on plot 1 - Approved

H12-0593-79 - Erection of dwelling with double garage and access on plot 1 - Approved

H12-0230-94 - Granny annex extension - Approved

Consultation Responses

Members of the public

One resident has made a number of representations objecting to the proposal, including the revised plans which have been submitted. The following issues have been raised:

-The two-storey extension is at odds with the existing character of the area

-Unacceptable overshadowing and overbearing effect to habitable rooms. Impact on warmth of adjacent property

-Overlooking effect from the proposed first-floor rear window to the rear conservatory of adjacent property.

-No appropriate drainage strategy and there will significant loss of porous surface. The proposal will exacerbate flood risk from surface water runoff.

Planning Considerations

Principle of development

The site lies in the countryside as set out in the South East Lincolnshire Local Plan (SELLP), 2019. The principle of an extension that is incidental to the enjoyment of a dwelling house 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.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 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 will protrude approx 4.25 metres from the northern side wall of the house, as much as the existing garage towards the north. The apex height and eaves will be as much as those in the property. The extension will extend onto the garden to join the rear wall of the house. Taking this into account, it is not considered that the proposed extension would be inappropriate in terms of scale, mass and bulk and it would effectively 'round off' the dwelling.

A hip pitch will be formed on top of the extension joining the ridgeline of the house. A more coherent form of development would consist of the formation of a gable wall on the side elevation of the extension as existing in the other end of the building. However, there is a variety of designs, appearances and ages across the residential properties in such rural location. On balance, the proposed roof layout will not appear excessively at odds with the character of the area and the impact is not so significant as to warrant refusal on design grounds.

Concern has been raised regarding the impact that a two-storey extension would have on the character and appearance of the area. However, the property sits within a large plot, and thus would not appear cramped, and it is not unusual to see large properties situated in the countryside where there is more land available.

Internally, the additional floorspace will allow to create an ensuite master bedroom on the first floor and a large open plan kitchen with breakfast/snug room use as well as a toilet and further storage. Internal alterations will range from new walls, brick up to new internal doors. Overall the internal distribution is commensurate with the house and will serve the functional needs of the house occupiers. The intended use will be in keeping with the residential use of the property and also the character of the area.

With regards to the new openings, the bedroom window will face onto the rear garden whereas the ensuite will benefit from a small-scale window on the front elevation. Bi-fold doors will be created on the proposed ground-floor communal space facing the garden.

The external materials are confirmed to match the existing, thereby the visual amenity will not result undermined due to the proposals.

In summary, the scale of the development is considered appropriate to the remainder of the house and overall the design and appearance is acceptable to the property and character of the local area. Therefore, the application complies with the aforementioned policies concerning design, layout and impact upon the character of the area.

Residential amenity

The initial plans were proposing a gable pitch roof on top of the extension in keeping with the main roof of the house. In light of one resident objection and case officer concerns regarding the potential for overshadowing, revised plans were submitted proposing a hip roof instead in order to comply with BRE '25 degree rule' from the centre of two windows for habitable rooms on the opposing elevation.

The BRE '25 degree rule' is a test to ascertain the likely effect a proposed development will have on an adjacent building with regards to obstructing daylight to existing windows/rooms. This test is applied on Dwg. No 3620-20-03 and the 25 degree angle appears to be complied with. Notwithstanding this, the applicant has submitted further plans which show the likely shadowing based on the height of the sun at 10am and 2pm on 21st December (winter solstice). This shows that the closest window to the proposed extension (lounge) is already overshadowed by the dwelling as existing at 10am on that date. At 2pm, the proposed extension would only very marginally interfere with the side facing dining room window, by a matter of a few centimetres. In light of this, it is not considered that the likely impact in terms of daylight levels and warmth is so significant as to warrant refusal of the application.

The proposed extension would come approx 6.3m from the closest part of the side elevation of

Penhale. However, the latter property is set back further than Oakwood and so only a small part of the western projection of the dwelling would be directly in line with the extension. On that basis, it is not considered that the extension would have a material impact in terms of being overbearing.

In terms of overlooking, concerns have been raised regarding the potential for loss of privacy as a result of the new first-floor rear bedroom window enabling views towards the rear conservatory of the adjacent property Penhale. The rear wall where the window is, is set back 10 metres from the conservatory at its nearest point. Albeit first-floor, the conservatory is at an angle from the proposed window and it is not considered that the relationship would be so detrimental as to justify refusing the application on the grounds of a material adverse overlooking impact.

Taking the above into account, the proposal is considered to be in accordance with Policy 3 of the Local Plan in terms of residential amenity.

Flood risk and 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).

The site has no potential flood risk from surface water runoff according to the Environment Agency's Flood Map. However, flooding from surface water is difficult to predict as rainfall location and volume are difficult to forecast and the objector has reported some flood events around the proposed location of the extension when heavy rainfall occurred. It is therefore recommended to condition the grant of permission to the submission and approval of details of the proposed means of surface water disposal. The suitability of this drainage strategy will be tested and subsequently approved at a later stage by SHDC Building Control.

Highway safety and parking provision

Appendix 6 of SELLP sets out minimum requirements for parking provision. 3 parking spaces are required within the curtilage for dwellings with 4 or more bedrooms in order to prevent on-street parking. The total number of bedrooms after developing the proposals will be 4. The garage will remain and the site benefits from a spacious gravelled drive to the front of the dwellinghouse. Therefore, the proposed development will be in accordance with Appendix 6 of SELLP.

Conclusion

Taking into account the considerations above, the proposal is considered to comply with Policies 1, 2, 3, 4, 36 as well as Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019; and also Section 12 of the National Planning Policy Framework (NPPF), 2019.

It is accordingly recommended to approve this planning application via delegated powers.

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.