

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H12-0290-25 **Applicant:** Mr & Mrs R Phillips
Proposal: Proposed first floor extension forming bedroom / en suite / ironing room, alterations to lower roof and changes to ground floor windows
Location: 30 Marriots Gate Lutton Spalding
Terminal Date: 16th May 2025

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 December 2024

National Planning Policy Framework December 2023

Section 2 - Achieving sustainable development
 Section 4 - Decision-making
 Section 9 - Promoting sustainable transport
 Section 11 - Making effective use of land
 Section 12 - Achieving well-designed places
 Section 14 - Meeting the challenge of climate change, flooding and coastal change

National Guidance

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE	0	0	0	1

BOARD				
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CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for a first-floor extension on the side of the existing dwelling within the site. The dwelling currently features a single storey side extension. The existing extension features a gable end roof form, measuring 4.4m in height up to the ridgeline. The proposed extension would also feature a gable end roof form and the ridgeline would measure 7.1m in height.

Site Description

The application site comprises land at 30 Marriots Gate, Lutton which features a detached dwelling with a hipped roof line and an existing single storey side extension with a gable end roof form.

The site is within the settlement boundary of Lutton, as identified by the South East Lincolnshire Local Plan (2019).

The site is located within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

Relevant Planning History

H12-0177-09: (Full Application) Proposed first floor extension - approved 06 May 2009

H12-0286-17: (Full Application) Demolition of single storey side extension and front porch and replace with side extension and porch forming bedroom with en-suite plus enlarged kitchen and utility - approved 21 April 2017

Consultation Responses

South Holland Internal Drainage Board: I cannot see that the applicant has identified a drainage strategy for the site within their application. We recommend a drainage strategy is provided for the site. If the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. A surface water development contribution is likely to be payable as a condition of any consent granted under Byelaw 3 in line with the WMA's Development Control Charges and Fees. Byelaw 3 (Treated Foul Water) I note that the applicant has not indicated how they propose to dispose of foul water from the development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3. Section 23, Land Drainage Act 1991 I note the presence of a Board Maintained watercourse (K17 Lutton Village - DRN201G1703) adjacent to the eastern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). With regards to the proposed extension, it is unclear how far from the brink of the Board maintained watercourse this will be constructed. The Board request additional information is submitted which provides further detail on the distance of this proposed extension to the closest point of the Board maintained watercourse.

Lincolnshire County Council - Highways and SUDS: No objections. This proposal is for first floor extension forming bedroom / en suite / ironing room, alterations to lower roof and changes to ground floor windows and the access and parking arrangements remain unchanged; therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety. Highway informative 6 is recommended.

Lutton Parish Council: No response received.

Cllr A C Tennant: No response received.

Cllr J Tyrell: No response received.

Cllr D J Wilkinson: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Development Plan

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

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is 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, December 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Principle of Development;
- Design and Visual Impact;
- Impact on Amenity;
- Highway Safety and Parking;
- Flood Risk; and
- Biodiversity Net Gain.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the defined settlement of Lutton which is within the 'Other Service Centre and Settlement' category. Furthermore, the proposal solely relates to the extension of an existing dwelling. Therefore, the principle of such development is appropriate, comprising an appropriate form of development for the location provided the extension is suitably designed.

Design and Visual Impact

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area and should be visually attractive as a result of good architecture and appropriate landscaping.

Policy 2 of the 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 NPPF, 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.

The dwelling currently features a single storey side extension with a gable end roof form, measuring 4.4m in height from the ground level up to the ridgeline. The eaves measure 2m in height. The proposals seek to extend above this existing extension. The ground floor footprint of the dwelling would therefore remain the same. The proposed ridgeline would measure 7.1m in height from the ground level. This is slightly below the ridgeline of the main dwelling.

Two evenly spaced windows are proposed at the ground floor level on the front of the extension, and two dormer windows are proposed above. The symmetrical positioning of the windows is acceptable. Similar windows are proposed on the rear of the extension, however, these windows would not be visible from the street scene. There are currently two windows on the side elevation and a door at the ground floor level, and these would remain unchanged. An additional window is proposed on the side elevation at the first-floor level. The submitted plans indicate that this would be obscure glazed.

There is no strict uniformity within the street scene as the nearest dwellings feature a mixture of dwelling types and sizes. The proposed extension would not be out of keeping with the street scene. The scale, positioning and appearance of the proposed extension is suitable as the extension would be proportionate to the main part of the dwelling.

The proposed materials are not indicated within the submitted plans however the materials are set out within the submitted application form. It is proposed for the proposed facing brickwork and roof tiles to match the existing dwelling. As such, the proposed materials would be suitable. It is considered appropriate to secure the provision of the proposed materials through a planning condition for clarity.

The visual impact of the proposed development is acceptable. The proposed development would therefore not cause an adverse impact to the character or appearance of the area and would therefore accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF 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 Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed side extension would not result in an unacceptable degree of overshadowing or neighbouring properties due to its scale and positioning.

As the extension is proposed on the southern side elevation of the dwelling, it is not considered that the extension would affect the amenity of Fairview, 32 Marriots Gate, which is the nearest dwelling to the north of the site.

The nearest dwelling to the proposed extension is 28 Marriots Gate, which is located to the south of the site. A window is proposed on the side elevation of the extension at the first-floor level. According to the proposed elevations plan, the window is proposed to be obscure glazed. As such, this should reduce the degree of overlooking with 28 Marriots Gate to the south. It is considered appropriate to secure the use of obscure glazing for this window through a condition for clarity.

Therefore, the impact of the proposed development on the amenity of neighbouring properties and future occupants would be acceptable. As such, the proposed development accords with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out 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, following mitigation.

Policy 2 of the Local Plan sets out 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.

Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The dwelling currently features four bedrooms and the proposed development would result in the provision of five bedrooms within the dwelling. There is sufficient room for parking within the site to accommodate the proposals. Appendix 6 of the Local Plan recommends that 3 parking spaces are provided for dwellings with 4 or more bedrooms. The proposals would not change the parking requirements for the site. Furthermore, Lincolnshire County Council's highways team have not raised any objections to the proposals. The team have recommended highway informative 6, which requires the submission of a flood risk assessment. It is not considered necessary to include this informative as a flood risk assessment is not considered to be necessary for the proposal, nor can this be secured through the inclusion of an informative. The proposed development would therefore be acceptable in terms of highway safety and would therefore accord with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

Flood Risk

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

Policy 4 of the Local Plan sets out that certain types of development within Flood Zone 3 are acceptable in instances where specific criteria are met.

The application is a householder application and Paragraph 174 of the NPPF sets out that householder applications should not be subject to the sequential or exception tests. Developments should however still meet the requirements for site-specific flood risk assessments, as set out in footnote 63.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. The site is within Flood Zone 3 and it is within a "Danger to Most" hazard rating area, as identified within the SFRA. No specific mitigation is recommended by the SFRA for householder applications and the proposed development is not considered to result in significant flood risk issues in this case. The development therefore satisfactorily accords with Policy 4 of the Local Plan and Section 14 of the NPPF.

It is noted that South Holland Internal Drainage Board have requested clarification within their consultation response as to how far the proposed extension is from the Board maintained watercourse. There is at least 22m between the proposed extension and the site boundary, and as such there is considered to be at least 9m between the proposed development and the watercourse. This is the separation distance that is typically recommended by the Board and as

such the proposed development should not conflict with the Board's byelaws and there should be a sufficient separation distance to allow for maintenance access to the watercourse.

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition".

The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

For applications that are submitted prior to the introduction of this requirement, the development would be exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set. When taking the above into account, the development in this instance the application is exempt from the statutory 10% Biodiversity Net Gain requirements.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The proposed development represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents. The proposed development therefore accords with the Local Plan and the NPPF. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of 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 the above considerations into account, the proposal is considered to accord with Policies 1, 2, 3, 4 and 36 (including Appendix 6) of the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under delegated authority.