DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H12-1166-21**	**Applicant:**	**Mr & Mrs Grimes-O'Keeffe**
Proposal:	Proposed change of access from School Lane to Back Lane and two-storey side extension		
Location:	10 School Lane Lutton Spalding		
Terminal Date:	12th January 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
01	Spatial Strategy
02	Development Management
03	Design of New Development
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment

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
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for a new access from Back Lane and a two-storey side extension to create a kitchen/dining room on the ground floor and 2no bedrooms on the first floor. The ground floor element would measure 4 metres (width) x 8 metres (depth) and the first floor element would measure 4 metres (width) x 6.7 metres (depth). The external materials would match the existing dwelling.

SITE DESCRIPTION

The application site comprises a two storey semi-detached dwelling located on School Lane in Lutton. The dwelling is cream rendered and has a small canopy element above the front door. There is currently a detached outbuilding to the side and a gravelled driveway to the front. Access to the property is from School Lane to the front. The property backs onto Back Lane which is a single access road. The immediate rea is primarily residential and comprises dwellings of varying sizes and style.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

Historic Environment Officer

No archaeological impact.

LCC Highways/SUDS Authority

No objection. Requests the addition of two informative notes should permission be granted.

Public

A third party has recommended installation of a minimum of 3no swift nest bricks be required by a planning condition to provide enhancement for biodiversity.

Resident

One letter of objection has been received from a neighbouring resident siting the following concerns:

·Overshadowing and loss of light from the two storey extension
·Loss of privacy and overlooking
·Close proximity of the proposed extension to neighbouring property
·The proposed front parking bay is not adequate to function properly
·The proposed rear pull-in parking bays on Back Lane would involve reversing out
·There is no space at the proposed site to unload / load or erect scaffolding without blocking the road.

PLANNING CONSIDERATIONS

Principle of development

The site is within the Lutton settlement boundary and 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 two storey side extension is considered to be proportionate to the existing dwelling and the plot. Its design with the roof following the shape of the existing roofline would respect the design of the existing dwelling. Although a lowered roof ridge is usually required for side extensions, in this instance a flush finish can be accepted given the dwelling is staggered layout of the properties and the separation distance from the neighbour to the north. There is no strong built character in the area, therefore the proposed scheme can on balance be accepted. It is not considered to appear unduly incongruous within the rural street scene and would not materially harm the character/appearance of the locality. The two storey element of the extension would not extend beyond the front/rear elevations of the existing dwelling therefore there would be an element of subservience. The proposed use of matching external materials would ensure the extension is in keeping with the existing dwelling.

The proposed new access from the rear of the site is not considered to unacceptably change the overall appearance of the area given there are a number of other dwellings with access from Back Lane.

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 neighbour at no.3 School Lane has objected to the proposal on grounds that the proposed extension would result in overshadowing, loss of light, and loss of privacy. The concerns are noted, however, given the relationship with this neighbour with this neighbour located on the opposite side of the street and the application site not directly facing this neighbour, it is not considered that any unacceptable impact would result on this property.

The neighbour closest to the proposed development is no.8 School Lane located to the north of the application site. The proposed extension would bring the application dwelling approximately 4 metres closer to this neighbour and would be sited approximately 1.5 metres from the shared boundary at its closest. Given the staggered layout of the properties and the relationship with this neighbour it is not considered that any unacceptable overbearing impact or overshadowing would result on this property. In addition, no first floor windows are proposed in the side elevation facing this neighbour therefore there are no overlooking or loss of privacy concerns.

With regards to the neighbour to the south at no.12 School Lane the proposed extensions would not be visible to this neighbour as they would be blocked by the applicant's existing house.

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.

One neighbour has objected to the proposal on grounds that the front parking bay is inadequate, the rear parking bays would result in highway safety concerns with vehicles reversing out and there is insufficient space at the front/side of the dwelling for loading/unloading construction vehicles and to

erect scaffolding.

The concerns are noted, however, the Local Highway Authority has not raised any objection to the proposed parking/access. Reversing out of parking spaces appears to be common practice in the area therefore this can be accepted. With regards to construction traffic potentially blocking the road, this would be temporary therefore the scheme could not reasonably be resisted on this basis.

The proposed scheme would increase the number of bedrooms in the property from 3 to 4 therefore the parking requirement for the site would increase to 3no spaces. 2no spaces are proposed at the rear and one space at the front. The space at the front appears to be quite small, however, there are no set size requirements for open parking spaces under the Policy 36 and Appendix 6 of the SELLP. S such it is difficult to argue that the parking space to the front in inadequate. The LCC Highways Authority has not raised ay objections to this.

As such the scheme is considered to comply with the current parking standards.

Other matters

One letter of representation has been received from a local resident recommending installation of a minimum of 3no swift nest bricks be required by a planning condition to provide enhancement for biodiversity. The comments are noted and a condition has been appended.

Planning Balance

The proposal will not materially harm the character or appearance of the locality, amenity of nearby residents or result in 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, 28 and 36 of the South East Lincolnshire Local Plan (2019) and Sections 12 and 15 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.