

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-0040-23 **Applicant:** S Smith
Proposal: Extension to include annexe & new vehicular access
Location: 139 Broad Lane Moulton Spalding
Terminal Date: 20th March 2023

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	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking planning permission for a 1.5 storey side/rear extension to create

an annex comprising a kitchen/dining/living room on the ground floor one new bedroom and a dressing room/en-suite shower room serving an existing bedroom on the first floor. The extension would have a side projection of 4.5 metres and a rear projection of 7.4 metres, standing at 6.4 metres in height (4.3 metres to the eaves).

The extension would have a grey rendered finish with fibre cement timber effect grey shiplap boarding on the upper section. All other materials would match the existing dwelling.

The proposal also includes creating a new vehicular access from the front of the site with a gravelled parking/turning area.

Site Description

The site is located on Broad Lane in Moulton, outside any defined settlement boundary. It comprises a two storey red brick built semi-detached dwelling with a single storey element to the side linked to the neighbour's single storey element. The site currently has pedestrian access from the front of the site (Broad Lane) and vehicle access from the rear of the site. The site is part of a small cluster of dwellings surrounded by mainly open countryside with commercial buildings further to the west.

History

No relevant planning history.

Consultation Responses

Moulton Parish Council

No concerns with the proposal but that western site boundary should be confirmed.

LCC Local Highways Authority

No objections to the new vehicular access at the front of the property as neighbouring dwellings on this road have similar front vehicle accesses which evidently operate safely. The proposal also includes a turning area to allow vehicles to leave and enter the highway in a forward gear.

Planning Considerations

Principle of development

The site is outside any defined settlement boundary and the proposed extension/annex would be sited within the residential curtilage of the existing dwelling therefore the principle of an annex ancillary to the existing dwelling 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 130 of 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. Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

The proposed annexe extension would comprise an open plan kitchen/dining/living area and one bedroom and would be accessed via an internal opening from within the existing house. The parking and amenity areas would be shared. The gross floorspace is adequate per each room to ensure good living conditions to the annexe occupier.

The annex would be attached to the side of the existing house and would be clearly visible from the public realm. Given the modest side projection of the extension it is not considered to dominate the

existing dwelling. Furthermore the height of the extension would be lower than the existing two storey element, thereby providing an element of subservience. The proposed use of render and cladding is considered acceptable as it would avoid a mismatch of old and new brickwork.

It is considered that the proposal would not materially harm the character or appearance of the existing dwelling or the locality. Overall, the size and external appearance of the proposal would not be at odds with the existing dwelling on the site or the immediate area.

With regards to the proposed new access from Broad Lane this is not considered to unacceptably impact the appearance of the street scene as other dwellings on Broad Lane already have similar arrangements.

As such the proposed development is considered acceptable in terms of its impact on the character of the existing dwelling and the area therefore it accords with Policies 2 and 3 of the SELLP and the Section 12 of the NPPF.

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.

The closest neighbour to the proposed development is no.141 Broad Lane located to the south-west/west of the application site. The proposed annex extension would be sited approximately 1.5 metres from the shared boundary with this neighbour and would have a rear projection of 7.4 metres. It is accepted that this is quite a significant rear projection, however, this neighbour's closest primary room is sited some 7.4 metres from the proposed extension. The single storey element adjacent to the application site comprises a utility, store and wc. As such the proposed extension would not impact this neighbour's 45 degree view from any primary room. In addition, the proposed extension is only 1.5 storeys high with a relatively modest eaves height and the pitch of the roof facing away from this neighbour, thereby further reducing any potential impact.

With regards to the attached neighbour at no.137 Broad Lane part of the extension would be blocked by the applications existing two storey house. Only the rear projecting element would be visible to this neighbour. Given this element would be sited at least 8 metres from the shared boundary with this neighbour it is not considered that any unacceptable impact would result on this neighbour in terms of overbearing impact or unacceptable overshadowing. Furthermore no first floor windows are proposed in the side elevation facing this neighbour therefore there are no overlooking or loss of privacy concerns.

The proposed new access from Broad Lane is not considered to result in any unacceptable impact on neighbouring amenity as all activities/traffic would be associated with the existing dwelling on the site.

The proposal is not considered to increase noise levels from the site as the proposed annex would be ancillary to the existing dwelling on the site therefore there would not be an intensified use of the site and no new activities would be introduced.

As such, the proposals are not considered to unacceptably harm the residential amenity of adjacent neighbours by reason of unacceptable overshadowing or overlooking.

Parking

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision. The proposed scheme would create an additional bedroom on the site, increasing the parking requirement from 2no spaces to 3no spaces. The site would retain the 2no existing parking spaces to the rear with additional parking created to the front of the site. As such the scheme meets the current parking standards.

LCC Highways Authority has not raised any objections to the proposed new vehicular access at the front of the property as other neighbouring dwellings on this road have similar front vehicle accesses which evidently operate safely and satisfactorily and there is no reason to conclude that this would not also be the case for this property. The proposal includes a turning area to the front of

the site to allow vehicles to leave and enter the highway in a forward gear. As such there are no highway safety concerns.

Other matters

Moulton Parish Council requested confirmation of the western boundary. The applicant/agent has confirmed that the red line boundary includes the existing access to the site and the land within the applicants ownership is not disputed. I have no further concerns with the red line boundary shown on the submitted plans.

Planning Balance

The principle of an attached annexe that is incidental to the enjoyment of a dwelling is acceptable. The scale and height of the extension is on balance acceptable in relation to the plot and the host dwelling. The proposed materials would deliver an external appearance matching with the current fabric of the building. It is considered that the development would not harm the amenity of residents nearby.

The proposed access and parking arrangements are also acceptable as LCC Highways has not raised any concerns with this given many other dwellings on the street already have access from Broad Lane.

On balance, no adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

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.

Taking into account the above, this application accords with Policies 1, 2, 3, 28, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 12 and 15 of the National Planning Policy Framework (2021).

Accordingly, it is recommended to approve this 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.

RECOMMENDATION

The application can be approved under delegated powers.