DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0206-24**	**Applicant:**	**Mr & Mrs A Sandell**
Proposal:	Rear extension & alterations - resubmission of H13-0876-23		
Location:	16 East Cob Gate Moulton Spalding		
Terminal Date:	3rd May 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving well designed and beautiful places

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 BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed rear extension and alterations at 16 East Cob Gate, Moulton. The application is a resubmission of H13-0876-23.

Site Description

The site is located in the defined settlement boundaries of Moulton as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). The property is a detached dwelling, constructed from bricks with a tiled roof and white uPVC windows and doors, and lies directly adjacent to a large open field. The property is of a similar design to other properties within the immediate area. To the east of the site is a further detached property.

History

H13-1920-88 - Extension to house - Approved

H13-1052-93 - Half glazed white uPVC conservatory - Withdrawn.

H13-0876-23 - Rear Extension & Alterations - Approved

Consultation Responses

South Holland Internal Drainage Board

No objections.

Lincolnshire County Council Highways

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Comments:

The proposal is for a rear extension & alterations which is a resubmission of H13-0876-23. Lincolnshire County Council were not consulted on H13-0876-23. The single storey extension will result in an additional bedroom however, the proposal does not affect the parking or access and there is adequate parking on site for a 5 bed dwelling. The proposal will not have an adverse impact on the public highway.

Key Planning Considerations

- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking

Evaluation

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.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms 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) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Planning Considerations

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments 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 South East Lincolnshire 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 National Planning Policy Framework, 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.

These policies accord with the provisions of the National Planning Policy Framework and require 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.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The materials proposed for this development would match those of the existing throughout, ensuring that it would be in keeping with the dwelling and other dwellings in the immediate area. Therefore, the extension, in respect of material's, would not result in any visual discrepancies or be out of context for its surroundings or street scene.

The rear extension would protrude from the rear elevation by around 9600mm at its longest projection with the eastern section protruding by around 6200mm. On the previous application, the extension had a total width of approximately 9800mm, spanning the entire width of the existing host dwelling; this resubmission reduces the total width to around 8400mm shortening it by around 1200mm setting it back from the side elevation by the same distance. No changes are proposed to the height meaning the maximum ridge height of the extension would be approximately 3900m, with the eaves being level with half the height of the existing dwelling, at approximately 2400m. As the only change from the previous application is the shortening of the width the new plans are considered to be acceptable in this regard and are therefore acceptable. Clear justification was made for the size of the extension in the previous application which read as follows -

'Overall, it is noted that the extension is of quite a substantial size, as it is almost the same length as the existing house, whilst sitting at the same width for part of this rear projection. However, the scale of the extension has been proposed to provide adequate additional floor space, for its intended purpose. Whilst sizeable, the extension lies to the rear of the host dwelling and as such, would be largely screened from public vantage points along East Cob gate; albeit, the enlargement would be

partially visible from some aspects from the surrounding area'.

It is considered that the same justification can be made this time around due to the extensions being of a similar size and scale with a small change to the width.

There is no difference in the alterations proposed between the existing application and the previous extant one, the same internal floor/ layout alterations are proposed. Taken from the previous report, these are as follows *'Finally, there would also be some alterations taking place during this development, many of which are internal. The existing utility area will be extended into the rear, the kitchen shall be opened up into the existing dining room with the wall being knocked down to allow this. The dining room shall be relocated to the rear of the kitchen, with a family area located behind, to create a large open plan kitchen, dining and family area. Adjacent to this, would lie a new bedroom, with a shower room and kitchenette with a snug at the rear. This area could act as an annexe for a family member to reside in, as it is attached to the dwelling and has a reliance upon the host dwelling, this is not considered to be self contained. On the side elevation there would be the addition of an outside door through the utility, on the opposite elevation on the first floor there would be a new window'*. Like last time, many of these alterations do not require planning permission but have been included within the report and as such have been addressed. The alterations would not result in an unacceptable impact upon the character or appearance of the area. As stated above, the only change between these applications is the width of the extension.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) 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 South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

As the extension is almost identical to the previous approval, with the only change being on the side furthest away from the neighbouring dwelling, the same points can be made in respect to overlooking and overshadowing. This has been discussed below.

The side elevation, located nearest to the neighbouring dwelling, comprises a new door and two new windows that have been proposed within the development; one of these windows will be sited within the shower and this should therefore be obscure glazed due to the nature of the room; although it is noted that this, unless controlled by condition, may not be the function of the room internally for the lifetime of the development. A further window will be within the bedroom at the rear to allow for natural light, the single storey nature of the extension makes any overlooking very unlikely, as the windows are at ground floor level and the existing boundary treatments should therefore limit direct outlook. As mentioned, there will be a new window on the opposite side elevation on the first floor; however, as this window faces the fields to the east, this is not considered to result in an unacceptable loss of privacy.

Beyond privacy, the extension will be situated 0.9m from the neighbouring boundary with the eaves of the extension being the point within closest proximity to the neighbouring property, with this eaves height being approximately 2.4m in height. Therefore, whilst extending beyond the existing boundary treatment, this will be to a modest degree in respect of height. The 3.9m ridge height of this aspect of the development, slopes away from the neighbour to the aforementioned eaves height with the roof design comprising a dual-pitch at this point. Due to this design, this limits the potential for unsuitable levels of additional overshadowing occurring in this instance, albeit, it is noted that the rear projection extends to a sizeable extent.

The rear projection, at its most sizeable projection nearest to the neighbouring dwelling, is of a

sizeable scale as mentioned. Whilst sizeable in projection, it is considered in this instance that this would not result in an unacceptable adverse impact to the residential amenities of the neighbouring property that would warrant refusal in this case. Further context, in respect of potential Prior Approval extensions is detailed within the report below.

Naturally, after the initial construction, which itself would take place over a short period, minimal additional noise pollution would be caused as a result of the development.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises 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".

In respect of highway matters, Policy 2 details 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.

Further, policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, 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.

There are four existing bedrooms within this dwelling with the addition of a fifth following the development being carried out, as such a minimum of three spaces will be needed. The drive at the front of No. 16 clearly can support this and provides adequate spaces for residents to park their vehicles away from the highway.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

Provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Further to the assessment above, it is also worth noting development that is permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Part 1, Pass A of this order allows for the 'enlargement, improvement or other alteration of a dwellinghouse', should this meet the specific criteria outlined. Under criteria (g) of Part 1 Class A, an extension can be carried out to the rear of an existing dwellinghouse which meets the following limitations:
(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
(ii) exceed 4 metres in height;

It is noted that numerous other limitations and criteria apply, and the projections detailed must take account of previous additions and must meet the aforementioned addition criteria. In addition, for development of this nature to be 'permitted', a Prior Approval must be submitted to the Local Planning authority.

Taking this into account, whilst the proposal seeks permission through a formal householder application and not through a prior approval, it is worth highlighting the potential fall-back positions.

In this instance, it appears that previous additions have been carried out to the host dwelling comprising a two storey addition to the western side of the dwelling and as such, the development, when viewed in its entirety would not meet a number of criteria outlined within the order. However, whilst not possible in this instance due to the above, the order does permit extension to a maximum of 8.0metres to the rear of the host dwelling and as such, can allow extensive single storey additions in some instances.

Overall, when taking account of the development, whilst no fall-back position exists due to the reasons outlined, the eastern aspect of the extension, which projects to a lesser extent, would be permitted should this not adjoin the previous additions on site. Further, the resultant rear extension, when viewed in its entirety, is not considered to cause an unacceptable impact in any event and as such, it is considered that the proposal is acceptable in this instance.

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 proposal represents appropriate development inside the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, the potential issue due to the size of the extension is considered acceptable as stated. The limited issues with amenity of nearby residents has been mentioned and justified, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

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 be in accordance with Policies 2, 3, and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPFF) (December 2023). The 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.