DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0343-22**	**Applicant:**	**Mr D Drew**
Proposal:	Proposed extension & alterations to dwelling, garage and garden shed - re-submission of H13-1311-21		
Location:	11 Broad Lane Moulton Spalding		
Terminal Date:	24th May 2022		

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
28	The Natural Environment
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is householder application seeking planning permission for the following:

·Two storey side extension to create a games room on the ground floor and a master bedroom on the first floor. It would measure 5.5 metres x 5.3 metres and stand at 3.4 metres in height (2.3 metres to the eaves)
·Front porch measuring 2.9 metres x 1.6 metres and standing at 3.6 metres in height
·Single storey rear extension to create a sun lounge measuring 7.9 metres x 4.8 metres and standing at
·Covered canopy element to the rear measuring 7.6 metres x 4.2 metres and standing at 3.4 metres in height (2.3 metres to the eaves)
·Extension to garage measuring 6.4 metres x 7.9 metres and standing at 4.6 metres (2.4 metres to the eaves)
·Erection of garden shed measuring 5.1 metres x 8 metres and standing at 4.3 metres in height (2.3 metres to the eaves)
·Replace all windows in the property with UPVC flush casement windows in cream finish

All windows in the property are proposed to be replaced with UPVC flush casement in cream and all other external materials will match the existing dwelling.

The application is a re-submission of a previously approved scheme (H13-1311-21) and seeks a minor increase in the depth of the single storey sun lounge extension and garage.

Site Description

The site comprises a detached two storey dwelling located on Broad Lane in Moulton. The property is within the Moulton settlement boundary and Conservation Area. The dwelling is buff brick built with brown windows. The front and side boundaries are enclosed by hedges/trees. There is a detached garage and a driveway to the front. A primary school is located to the west of the site and a playing field to the rear. The rest of the immediate area is primarily residential comprising dwellings of varying size and character.

History

H13-1311-21 - Proposed extensions to dwelling and garage and proposed garden shed - Approved

H13-0236-22 - Proposed extensions to dwelling and garage and proposed garden shed - approved under H13-1311-21. Amendments to dimensions of single storey extension & garage extension - Refusal

H13-1299-99 - Details of external materials (Condition 4 of H13/1050/97). - Approved

H13-1298-99 - Details of site entrance (Condition 5 of H13/1050/97) - Approved

H13-1050-97 - Erect detached dwelling with detached garage - Approved

Consultation Responses

South Holland Internal Drainage Board

If surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). If the applicant wishes to discharge foul water to a watercourse this proposal will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Should the applicant's proposals change to include works to alter the riparian watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4).

Residents

2no letters of objection have been received from the same neighbour at Chestnut Lodge, 15 Broad Lane siting concerns that the proposed garage would be located close to their boundary and would block their daylight.

Principle of development

The site is within the Moulton settlement boundary and the proposed extensions 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.

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. Paragraph 197 of the NPPF states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

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 l and uses. Policy 29 of the SELLP states that development proposals will conserve and enhance the character and appearance of designated and non-designated heritage assets including conservation areas.

The proposed scheme involves a minor increase in the depth of the garage and the rear sun lounge extension (extension by approximately 0.7 metres and the garage by 0.3 metres). These changes are considered minor and do not unacceptably change the overall appearance of the previously approved scheme.

The Council's Conservation Officer has not commented on the current proposal but did not raise any objections to the previous proposed scheme. Given the minor changes it is not considered that the current proposal would unacceptably impact the character of the conservation area.

As such the development is considered acceptable in terms of its impact on the conservation area and the character of the existing dwelling and therefore accords with Policies 2, 3 and 29 of the SELLP and the Sections 12 and 16 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 adjacent neighbour at Chestnut Lodge, 15 Broad Lane has objected on the grounds that the siting of the garage close to the boundary would result in loss of daylight to their property. The concerns are noted and addressed below.

The neighbour closest to the proposed development is no.15 Broad Lane located to the south-west of the application site. As with the previously approved scheme the proposed 2 storey extension would be located approximately 7.8 metres from the shared boundary with this neighbour which is considered sufficient as to not result in any overbearing impact or unacceptable overshadowing. 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 single storey rear extension and canopy element would be located some 13 metres from the shared boundary with this neighbour. The

proposed shed would be located some 28 metres from the shared boundary with this neighbour. The front porch would be located some 17 metres from this neighbours boundary. Given the significant separation distances these elements are not considered to result in any overshadowing or overbearing impact. The proposed garage extension would sit close to the shared boundary with this neighbour, however, given it would sit adjacent to this neighbours front garden/driveway any potential impact on this neighbour would be limited.

With regards to the neighbour to the north at no.9 Broad Lane the proposed shed would be sited close to the shared boundary with this neighbour. Given the modest size and height of the shed and its siting adjacent to this neighbour rear boundary it is not considered to result in any overbearing impact or unacceptable overshadowing on this neighbour. The only other element visible to this neighbour would be the single storey rear extension which would be located approximately 11.5 metres from the shared boundary with this neighbour. Given the single storey nature of the extension and limited height this separation distance is considered sufficient as to not result in any overbearing impact or unacceptable overshadowing.

The only other immediate neighbour is no.7 located to the north-east of the application site. Only the front porch and garage extension would be visible to this neighbour. The porch is considered minor and would be located a significant distance from this neighbour. The garage extension would be located some 25 metres from the shared boundary with this neighbour therefore no unacceptable impact would result on the amenity of this neighbour.

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 not increase the number of bedrooms within the property therefore the parking required would remain the same. A maximum of 3no off-street parking spaces would be required for the site. There is a large driveway to the front which can accommodate at least 3no vehicles. There is additional off-street parking provision in the garage. As such the scheme is considered to comply with the current parking standards.

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).

South Holland Internal Drainage Board has not raised any objections to the scheme but has advised that should surface water discharge be proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). If the applicant wishes to discharge foul water to a watercourse this proposal will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Should the applicant's proposals change to include works to alter the riparian watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4). An informative has been appended to this effect advising the applicant of the Boards Byelaws.

Subject to the above advice the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk and drainage.

Planning Balance

The proposal will not materially harm the character or appearance of the locality, the amenity of nearby residents or result in parking or biodiversity issues. The planning balance is therefore considered to be in favour of the proposal.

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, 4, 28, 29, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 12, 14, 15 and 16 of National Planning Policy Framework (2021).

Accordingly, it is recommended to approve this application via delegated powers.

Additional Considerations

None.

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.