

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-0876-23 **Applicant:** Mr & Mrs A Sandell
Proposal: Rear Extension & Alterations
Location: 16 East Cob Gate Moulton Spalding
Terminal Date: 28th November 2023

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 places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a rear extension and alterations.

The proposal predominantly comprises a rear extension which would have a total width of approximately 9.8m, expanding the entire width of the existing host dwelling when viewed in its

entirety. The extension would protrude from the rear elevation by approximately 9.6m at its longest projection, with easternmost aspect of the rear projection, protruding approximately 6.2m.

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H13-1052-93 - Half glazed white uPVC conservatory - Withdrawn.

Consultation Responses

South Holland Internal Drainage Board

No objection.

The initial response was an objection under Byelaw 10, following a board meeting this objection has since been rescinded.

Public Representation

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

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, 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 (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Planning Considerations

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

Section 12 of the National Planning Policy Framework (2023) specifically relates to 'Achieving well-designed 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 130 of the National Planning Policy Framework (NPPF), 2023 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, that they are visually attractive, as a result of good architecture, and are sympathetic to local character. 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. 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

undesigned townscape or landscape surroundings.

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 have a total width of approximately 9.8m, expanding the entire width of the existing host dwelling when viewed in its entirety. The extension would protrude from the rear elevation by approximately 9.6m at its longest projection, with easternmost aspect of the rear projection, protruding approximately 6.2m. The maximum ridge height of the extension would be approximately 3.9m, with the eaves being level with half the height of the existing dwelling, at approximately 2.4m.

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.

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. Many of these alterations, particularly those internal do not require planning permission but have been included within the report and as such have been addressed. These alterations would not result in an unacceptable impact upon the character or appearance of the area.

Taking the above into account, the proposal is considered to be acceptable. The proposal would not cause an unacceptable 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.

Impact on Residential Amenity/Land Users

Paragraph 130 of the National Planning Policy Framework (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.

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.

The development is therefore acceptable in terms of resident amenity and the potential impacts for overshadowing and overlooking are considered to be minimal.

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, Part 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.

Parking Provision

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (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".

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 three spaces must be provided 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.

Therefore, the development is considered to be in accordance with Policy 36 and Appendix 6 of the SELLP and does not cause an unacceptable impact on highway safety.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, 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.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 2 & 3 of the SELLP, along with the identified sections contained within the NPPF. There are minimal factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

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

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