DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0016-24**	**Applicant:**	**Mrs J Jankiewicz**
Proposal:	Extension & Alterations - approved under H14-1111-21. Modification of Condition 2 to allow amendments to previously approved plans and Condition 5 to confirm swift nest boxes to be added		
Location:	Orchard House Blue Gowt Drove Pinchbeck		
Terminal Date:	15th May 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2023

12 - Achieving well-designed and beautiful places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a retrospective Section 73a application at Orchard House, Blue Gowt Drove, Pinchbeck for amendments to an application for extensions & alterations - approved under H14-1111-21. This application seeks a modification of Condition 2 to allow amendments to previously approved plans and Condition 5 to confirm swift nest boxes to be added.

The previous proposal sought to provide a two-storey extension to the rear and side of the dwelling, plus a single storey side extension. At ground floor level a family room, boot room / utility, shower room and three cupboards would be provided. A staircase in the proposed family room would lead to a first floor bedroom which is served by a rear elevation window. The extension would be sited 0.3 metres from the western side boundary, beyond which is arable land. Materials of construction were to match those of the existing dwelling.

Internally, the amended proposal seeks to remove two cupboards from the ground floor plan within the lobby room.

Externally, on the east facing side elevation the obscure glazed ground floor shower room window has been removed and a new window has been installed in the lobby room. The rooflight above the door has also been removed. Solar panels have also been installed on the first floor roof slope, however these do not require planning permission.

On the north facing rear elevation the window adjacent to the door serving the boot room has been increased in size. A window has been installed at first floor level to provide light to the staircase. This staircase window is sited at the same height to the new first floor bedroom window, which has been increased in width. Additionally a 3.3 metre high porch roof with wooden supports is located above the utility / boot room.

On the west facing side elevation a log burner flue has been added. This window is not sited more than 1 metre above the highest part of the roof. Solar panels have also been added to the roof slope. These solar panels are sited on the existing roof and on no part of the extension building. These panels do not require planning permission.

On the south facing elevation of the family room building solar panels have been added. These panels do not require planning permission.

Materials of construction are to match the render and tiling of the existing dwelling. A supporting email states that the three bricks will be sited in the top right corner of the eastern elevation of the first floor element of the extension.

A site visit was conducted on Friday the 19th of January 2024.

Two amendments have been made to this application. The first amendment was to fenestration, solar panels and a flue. The second amendment was an updated floor plan to reflect the updated layout and fenestration positions.

SITE DESCRIPTION

The site is outside of defined settlement limits and is predominately rural in nature. The surrounding area is characterised by non-nuclearised linear development of varying ages and designs. Paddock land and stables are located to the north of the site with arable land to the west and south, and a property named Vernatt's View beyond the eastern boundary. This application is in Environment Agency Flood Zone 3, and is not subject to increased flood risk or flood hazard on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H14-0071-15

Full - Proposed single-storey rear extension, including raising existing lobby flat roof to match - Approved - 26 March 2015.

H14-1111-21

Full - Extension & Alterations - Approved - 09 December 2021.

CONSULTATION RESPONSES

Initial Responses Received (Consultation period between 17th January 2024 to 7th February 2024)

Responses Received following Re-consultation (Consultation period between 29th January 2024 to

8th February 2024)

Pinchbeck Parish Council - 02 February 2024

No comment

Responses Received following Re-consultation (Consultation period between 6th February 2024 to 16th February 2024)

South Holland District Council - Environmental Protection - Oliver Abrams - 09 May 2024

"No comments regarding amendments 1 and 2"

KEY PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):

Principle of Development and Sustainability
Layout, Design and Consideration of the Character and Appearance of the Area
Impact on Residential Amenity/Land Users
Highway Safety and Parking
Flooding Considerations / Drainage
Biodiversity and landscaping
Outstanding matters from 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 above.

The policies and provisions set out in the National Planning Policy Framework (updated December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Presumption in Favour

Paragraph 10 of the National Planning Policy Framework details that "so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)".

Paragraph 11 expresses that for decision-taking this means: "c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Principle of Development and Sustainability

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and

Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location in terms of sustainability.

The proposal is located in the open countryside with the residential curtilage of Orchard House. As the proposal is for a residential extension on residential land, the principal of development in this location is considered to be acceptable.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the amenities of neighbouring buildings, and parking provision which are discussed in turn as follows.

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 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 positioning of the extension 0.3 metres from the western boundary does not materially impact the surrounding area as the use beyond is arable land. Materials of construction are to match the render and tiling of the existing dwelling. This is considered to benefit the final design. The amendments to the proposed fenestration and the the additional of a flue and a porch are not considered to materially impact the built character of the dwelling or surrounding area. The alterations are not visually prominent when viewed from adjacent land or the highway to the south named Blue Gowt Drove.

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.

There is not considered to be a material noise, odour or disturbance impact from the proposed extension by virtue of its siting and residential usage. There is not considered to be a overlooking impact from the proposal. The first floor extension windows serve a staircase and a bedroom which face directly north. With properties being sited to the east and west this not considered to generate an overlooking aspect as the nearest dwellings are approximately 28 metres to the east and approximately 450 metres to the west. Additionally, these separation distances are not considered to lead to a material overshadowing or overbearing impact from the proposed two storey extension when right to light lines are drawn. The Environmental Protection department when consulted expressed no objections to the log burner flue sited in the family room with regard to fumes or odour.

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.

Furthermore, 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.

The proposed extension does not impact the manoeuvrability of vehicles on site. The site has a double garage and a driveway that can accommodate a further four parking spaces. Therefore, the dwelling remains in accordance with Appendix 6 of the SELLP when the additional bedroom is taken into consideration.

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).

Flooding Considerations / Drainage

Section 14 of the National Planning policy Framework (December 2023) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out

below".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

This application is in Environment Agency Flood Zone 3, and is not subject to increased flood risk or flood hazard on the 2115 South Holland Strategic Flood Risk Mapping. The floor levels of the extension are not set any lower than those of the existing dwelling.

Overall, when considering the development on balance, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning Policy Framework (December 2023) in this regard.

Biodiversity and landscaping

This proposal is for a residential extension. Therefore, there is a not a requirement to demonstrate biodiversity net gain following the proposed works. However, the application has provided three swift bricks in the extension to aid biodiversity.

In an email from the applicant on the 8th of January they state *"...this has not yet been sited as we were awaiting rendering and painting the outside (again a condition that the outside matched the main house - we have managed to get one coat on but then the weather has not supported the second coat. We have the swift box and this will go up as soon as second coat has been applied - extension still to be signed off anyway. Note that on our 12 acres we have barns and stables with nesting birds including swifts that come back each year, and planted an additional 266 trees and 6,000 hedge whips from a grant from Lincolnshire council last year, so plenty of nesting areas for birds in the meantime."*

Outstanding matters from representation

None

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 within the residential curtilage of a dwelling in the

open countryside. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework (December 2023) when viewed as a whole. Because the extension has now been constructed there is no longer a requirement to re-impose conditions 3, 4 and 5 of H14-1111-21 which related to render colour, roof tiles and the installation of swift bricks respectively.

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.

CONCLUSION

Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the Section 12 contained within the National Planning Policy Framework (NPFF) (December 2023). There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is 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.

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.