

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0131-24 **Applicant:** Mr I Bates
Proposal: Proposed rear extension
Location: Mulberry House North Gate West Pinchbeck
Terminal Date: 15th April 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development

National Guidance

National Planning Policy Framework 2023

Section 4 - Decision-making
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

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed rear extension at Mulberry House, North Gate.

Site Description

The site is located outside any defined settlement boundaries as outlined in within the South East Lincolnshire Local Plan, 2019 (SELLP). Mulberry House is significantly set back from the highway with boundary wall and gates surrounding the front curtilage of the site.

The long drive leads towards the house and runs along the side providing a plethora of parking

spaces within. The dwelling itself is made from red bricks with a tiled roof and white uPVC windows with a black front and garage door. The adjacent property is called 'Labyrinth Cottage' and 'Atkinson Cottage' on the opposite side - many dwellings along this section of North Gate are large plots and houses.

History

H14-0890-12 - Proposed replacement dwelling - Approved

H14-0215-13 - Details of bricks submitted (Condition 4 of H14-0890-12) - Approved

H14-0216-13 - Details submitted relating to eaves, verge, front door and surround, window cills and lintels, chimney stacks, flues, electric box and vents (Conditions 9 and 11 of H14-0890-12) - Approved

H14-0372-13 - Modification of Conditions 5 and 8 of H14-0890-12 relating to sample panel and sash window details - Refused

H14-1051-13 Proposed replacement dwelling (Modification of Condition 5 of H14-0890-12 relating to sample panel) - Approved

H14-1058-13 - Details of windows (Condition 8 of H14-0890-12) - Approved

H14-0253-16 - Proposed replacement dwelling - approved under H14-0890-12. Modification of Condition 2 to allow amendments to previously approved plans - Approved

H14-0358-18 - Proposed extension (property not completed) - Approved

Consultation Responses

No consultation responses received.

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, no letters of representation have been received.

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.

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.

The materials of the development will match the existing dwelling and ensure that no visual discrepancies shall arise and cause harm to the street scene or locality.

The proposed development shall protrude from the rear elevation by around 7530mm and have a total width of approximately 6180mm. The height to the eaves will be 3000mm and 5500mm to the ridge. The extension could be considered to be of a relatively substantial size; however, as the dwelling itself is already significant in size the extension will not look out of place and is proportionate. In any case, the property is set back a considerable distance within its plot and therefore does not immediately front the highway. The development as such is not considered to cause harm to the street scene.

The design of the extension will feature a gable roof design to match the existing house, furthermore it shall incorporate French Doors to provide access into the rear garden from the new 'Gym Room'. There shall be a chimney on the roof of the extension which will be of a similar design to the existing chimneys. Finally, the log store to the rear will be removed to make way for 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.

There are no concerns over the potential for a material increase in overshadowing or overlooking as a result of this rear extension being constructed. The windows/ doors on the extension are facing either towards a direction that features no neighbours or where there is an adequate distance over 20m to the east and 40m to the west with boundary treatments further reducing any subsequent impacts.

Likewise, due to these aforementioned distances there should be no material overshadowing from the extension. Due to it being set back from the highway and the extension being at the rear it will also not be overbearing in this regard.

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.

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 outside the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and causes no unacceptable impact on the highway, 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 significantly 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 into consideration these factors, the proposal is considered to not directly comply with Policies 2 & 3 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023) but has been justified as to why it is acceptable and should therefore be approved. These are not 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.