DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0221-22**	**Applicant:**	**Mr Boyall**
Proposal:	Proposed Rear Extension		
Location:	7 Bear Lane Pinchbeck Spalding		
Terminal Date:	9th August 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Sections 12 and 16 of the National Planning Policy Framework (2021)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This full planning application is for a 2 storey side extension on the Western Elevation of 7 Bear Lane, Pinchbeck. This extension would also extend from the rear elevation of the property,

effectively widening and lengthening the property, over the current rear patio area. This proposal would include the installation of several new Northwest and Southeast facing windows

Site Description

7 Bear Lane is a modern residential development, set within the Conservation Area for Pinchbeck. This site is of no particular interest or of any contributing value to the overall character of the Conservation area and the immediate surroundings are characterised by largely 20th Century residential and industrial/commercial development. Most residential properties on this South-Eastern end of bear lane are large properties with well spaced and wide plots. However, this site is considerably more 'tight' than its neighbours, being a 21st Century chalet style property which took advantage of its chalet style to fit better within its smaller plot. The immediate area is sandwiched between the Grade II listed Pinchbeck Hall to the North and the similarly Grade II listed Graft House, to the South.

History

H14-0730-07

Proposed chalet bungalow and attached single garage. Refused on 25-07-07.

H14-0644-09

Proposed detached 3 bed house. Refused on 15-10-09.

H14-0127-10

Demolish garage and erect one two-bed bungalow. Refused on 13-04-10.

H14-0942-12

Erection of a single chalet style two-bedroom dwelling with garage. Approved on 14-01-13

H14-1011-13

Details of external materials, doors and windows, roof lights and site and floor levels (Conditions 5, 6, 7 and 12 of H14-0942-12). Approved on 23-04-14.

H14-1012-13

Erection of chalet style dwelling with garage (outline application H14-0942-12). Approved on 07-05-14.

H14-0356-16

Extension and alterations to dwelling. Approved on 09-08-16.

H14-1074-17

Erection of wall and railings to front of property. Approved on 05-01-18.

Consultation Responses

Local Residents

Following the amendment of the application, 2 letters of objection were received from local residents. The content of these objections can be summarised like so:

- Roof line taller than the original property.
- Overbearing effect upon neighbouring gardens
- Proposal extends too far beyond the rear elevation of the property.
- Side access would be too narrow
- Concerned about the standard of the workmanship at the site and the health and safety considerations of the workforce.

- Applicant uses their fence as a retaining wall.
- Overlooking risk presented by roof light
- Extension too large.
- Overruns existing drainage
- Elevation labels incorrect
- Overdevelopment
- Impact upon property prices

Planning Considerations

Local Residents' objections

The resident objections are addressed below in the order they appear in the above 'Consultation Responses' section of this report;

- The roof line being taller than the original property is immaterial to the consideration of the proposal as a matter of basic principle. The fact that the proposal seeks a structure which is taller than the host structure is part of what has necessitated the submission of a planning application. Being taller than the host structure is not immediate cause for refusal.

- Overbearing effect upon neighbouring gardens: The proposed extension, whilst marginally larger in height than the host property, in large part matches the original property in style and scale. The proposal is seeks to extend to the rear only by 6m and neighbouring elevations are distanced well enough away from the proposal. Additionally, no side windows are proposed by this application that create any additional overlooking risk. New roof windows are proposed to the North Eastern elevation. However, due to the angle of these windows, it is not considered that they will present an overlooking risk to primary residential space within 5 Bear Lane. Furthermore, as the report for the original permission for the property as exists states, the property already fails to pass the BRE 45 degree rule for rear windows of 5 Bear Lane. Whilst this extension would cause this impact to be upon additional windows to the rear of that property, due to the proposed distances it is considered that this effect will be negligible and does not carry sufficient weight upon which to base a refusal.

- Proposal extends too far beyond the rear elevation of the property: There is no established orthodoxy for plot and property lengths along Bear Lane, especially given the fact that a wide variance exists within the immediate setting.

- Side access too narrow: There is currently no planning standard for widths of side access to the rear of the property. Access to the rear via the side would still be retained and so would access to the rear through the property itself.

- Concerns about the standard of the workmanship at the site and the health and safety considerations of the workforce: This is not a material planning concern.

- Applicant uses their fence as a retaining wall: This is not a material planning concern as it does not directly relate to the proposal in hand.

- Overlooking Risk: The plans include a proposal to add roof lights to the South Eastern roof pitch. This pitch already has 2 roof lights. It is proposed that the new units will be fitted further to the north along that pitch, at the same level as the existing units. As was established under H14-0356-16, the existing windows do not cause a material overlooking risk and the new windows are considered similarly. The windows are situate at a level lower than 1st floor windows of the neighbouring property and would overlook only directly onto a blank roof pitch without access to the angles of vision that would be required to view interior domestic space.

- Extension too large: There is no upper limit of what applicants can apply for. In this instance, given the amount of land still available within and around the curtilage, it is not considered that an extension of this scale would represent overdevelopment of the plot.

- Overruns existing drainage pipes: The matter of impact upon existing drainage infrastructure would be a matter for consideration during the building control phase. Impact upon existing piping is not a material enough reason to recommend refusal for such an application.

- Elevation labels are incorrect: The elevation labels are not considered to be incorrect. The architect has 'rounded' the directions to the nearest main compass point, however, the plans are

clearly legible.

- Overdevelopment: As discussed above, this proposal is not considered to be an overdevelopment of this large plot.

- Impact on house prices: The supposed impact upon house prices is not a material planning concern.

Design/Residential Amenity

The Local Planning Authority does not consider there to be concerns regarding the aesthetic qualities of the proposed design, as it would appear that such a proposal would be in aesthetic keeping with the remainder of the host property. Previous consideration of proposals at this site has outlaid that further 2 storey extension to the North west elevation. As such, the applicant has conceded to a single storey design on the Northwest elevation that the Local Planning Authority considered satisfactorily reduces former concerns of overshadowing and overlooking risk such that it does not represent enough of a risk that it should pose a reason for refusal. Furthermore, the rearward elevation extension similarly poses an overshadowing risk, due to the proposals failure to meet the BRE 45 degree rule. However, the original application for the host property conceded that this was already the case with the host property and as such, this extension does not majorly contribute to the existing effect and therefore the local planning authority does not consider this to be reason enough to refuse planning consent.

In order to restrict the impact upon the residential amenity of neighbouring property, alongside an approval of this application, a condition stipulating the removal of permitted development rights for the installation of new doors, windows and roof windows on side elevations and roof pitches of the approved extension shall be applied.

Heritage Impact

The Local Planning Authority determines that this proposal does not pose any risk to the value or significance of the Pinchbeck Conservation Area (PCA). This portion of the Conservation Area is characterised by large properties with wide, well-spaced plots and the development which has been constructed on this site had already impacted upon that general character. However, the rearward extension shall not be easily visible from the public realm, and similarly, the single storey extension to the North Western side of the building, shall have a minimal visual impact, being of the same architectural style and particularly when compared to former proposals at this site. The proposal would, therefore, have no major impact upon the appreciation of the designated heritage asset and therefore should be considered to assist in conserving the historic environment via a lack of impact.

Parking Provision

This Planning Application proposes no amendment to the parking provision on site, however, given the increase in bedrooms on the site, it is appropriate to assess the suitability of the provision. The Local Planning Authority considers the parking provision on site already to be of sufficient scale to support such a development, with a large, Multi-car parking area at the front, in addition to a single-car garage already extant on-site.

Conclusion

For the reasons listed above, this application is considered to be in accordance with Policies 1, 2, 3, 29, 36 and Appendix 6 of the SELLP as well as Sections 12 and 16 of the NPPF (2021). Therefore, this application is recommended for approval.

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.