DECISION DELEGATED TO DEVELOPMENT MANAGER

| | | | |
|---|---|---|---|
| **Application No:** | **H14-0414-20** | **Applicant:** | **Mr Boyall** |
| **Proposal:** | Extension to Dwelling | | |
| **Location:** | 7 Bear Lane Pinchbeck Spalding | | |
| **Terminal Date:** | 30th July 2020 | | |

**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 | 1 |
| WARD MEMBER | 0 | 0 | 0 | 0 |
| RESIDENTS | 2 | 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 Northeast and Northwest 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

Resident Objections

Objections were received from 2 local residents, raising several points of concern, those being;

- Rear and Northwestern elements of the extension would feature new windows that would overlook the gardens of neighbouring properties. Overlooking from this property is already an issue, to approve would be to exacerbate this.
- Design of the proposal is out of keeping with the remainder of the property and combined with previous alterations would make the building look as if it was 'on stilts'
-The addition of extra bedrooms to the property, making a 4 bedroom house would present an overdevelopment of the site.

- Proposal would be very tight within the plot and close to the neighbour's boundary and the Vertical face presented by the proposed Northwestern gable would be overbearing upon the neighbouring property's garden and therefore residential amenity.
-Rearward extension would project the structure well beyond the established rear line of properties along Bear Lane.
-Giving the extension its own entrance/exit doorway would open the doors to the new extension being sectioned off and sold/rented separately.
-Existing building is constructed of poor quality materials, this proposal would be the same.
-Fire escape for the current rear bedroom would be blocked by the proposed rearward expansion.
-Concerns about construction noise given the proximity of the proposal site to neighbours.

Several other issues were raised but these did not directly relate to this proposal and were based upon ongoing grievances with previous planning decisions and this site's compliance with those decisions.

Pinchbeck Parish Council

Supports the application and recommends approval.

**Planning Considerations**

Resident Objections

Several resident objections were raised, for the purposes of this report, I shall address them in the order in which they appear in the above 'Resident Objections' section of the 'Consultation Responses' portion of this report.

With regards to the potential for overlooking, the Local Planning Authority considers that a risk of overlooking is indeed presented by this proposal, specifically, by the windows proposed within the Western elevation. The proposed rear facing windows are not considered to present a harmful risk of overlooking due to the fact that they would actually be further advanced to the North than the current rear windows, restricting the already limited capacity for overlooking presented by rear facing windows. However, as referenced, the Western windows are considered to present an overlooking risk. The agent and applicant did, upon request of the Case Officer, offer to amend the proposal to remove the window in question. However, given that the Local Planning Authority has arrived at the conclusion (as explained later) that such a proposal is not acceptable in principle, it was considered not reasonable or expedient to request that the applicant formally amend this application.

The proposed design does appear to be in concert with the remainder of the site, whilst it is noted that some object to the design of previously approved alterations, this is immaterial to this application as each proposal is considered in a case-by-case manor.

The Local Planning Authority does not consider there to be an innate reason that a 4 bedroom property could not be maintained on this site as it has ample parking in the form of a large driveway and single car garage. However, for reasons of scale, this application is (as will later be explained) considered to be an overdevelopment of the site.

The Local Planning Authority concurs with the objection to this application upon the grounds of the proposed close-ness of the extension to the neighbouring property's boundary, especially that of Number 9 to the North. Appeal ref: APP/A2525/A/07/2056445/WF, which was produced in relation to a previous application regarding a proposal at this site, stated that this portion of the Conservation Area (Bear Lane) is characterised by properties which are 'well spaced' and that the development proposed at the time, which was similar in design, scale and massing to how the extant property would appear with these proposals, would have an 'overbearing impact' upon number 9 Bear Lane when viewed from the side of that property. Whilst, in the interim period since that appeal decision was made, a new set of policies and legislation have been implemented, these particular concerns still directly translate into current Policy. By developing so close to the Northwestern boundary of 7 Bear Lane, this would compound issues that this property has with appearing out of keeping with its Conservation Area surroundings which are characterised by wider, well spaced plots and therefore, this proposal would be considered to be harmful to the general character of this portion of the Conservation Area, especially as appreciated from the public realm and therefore, this application is in direct contravention of the South East Lincolnshire Local Plan (2019) (SELLP). Particularly Policy 29, Section B - 1. Which states that development shall be

approved in Conservation Areas where it *". Retain(s) buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces"* as well as Policy 29 Section B-4, which states that development shall be approved in Conservation Areas where it *"Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment"*. Clearly, by further impacting upon that local character of well spaced plots, this proposal would fail to satisfy those conditions of the SELLP and is therefore, would have an unacceptable impact upon the character of the Pinchbeck Conservation Area.

Furthermore, with regards to the suggested overbearing impact upon Number 9 it is clear that, relating to a property which is already somewhat tight within its plot, expanding further to the North-West would create an imposing, monolithic barrier which would impact upon the private enjoyment of the garden of Number 9, as well as creating a major enhancement of the risk of overshadowing. This is in direct contravention of Policies 2 (Para 3.3.8) and 3 (Para 3.4.4) of the SELLP which set out that development should preserve the amenity of neighbouring properties and that development should be influenced in terms of scale and massing, by that of neighbouring properties and the surrounding area.

With regard to the objection to the proposal on the grounds of further rearward expansion, this is not grounds upon which to refuse the application, given that this site is quite long, or deep, further expansion to the North-East may well be possible in a manner which does not affect the setting or residential amenity of neighbouring properties.

The applicant has not indicated that this proposal would be used as a separate dwelling or residential unit, and to do so would require an additional planning application.

Whilst the Local Planning Authority recognises the concerns raised with the quality of the work at the site as it stands, this is not pertinent to this proposal. All such developments would be subject to the standard baseline requirements of building regulations.

The Local Planning Authority recognises the concerns raised regarding the fire escape to the rear bedroom, the new windows which would be installed would generally be required to be suitably sufficient to allow emergency exit. Furthermore, all such developments would be subject to the standard baseline requirements of building regulations.

Generally, noise generated during the construction process is not considered to be a reason to refuse a planning application as it is mostly a temporary effect upon the local area, and even so, if an especially great risk to the residential amenity of the area were to be identified, conditions would be applied to limit working hours and decibel generation by machinery. No such risk is identified in this instance.

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. However, the Local Planning Authority has concerns with regards to the principle of the design of this extension. This property is already significantly tight within its own plot and close, in single-storey portions of the building, to the boundary of Number 9. It is determined that further, 2 storey expansion to the North-West would present an unacceptable risk to the residential amenity and private enjoyment of Number 9 Bear Lane, as well as creating a cramped form of development by virtue of the resulting close-ness to the boundary of the site. Further expansion to the North-West would create an imposing, monolithic visual barrier when viewed from the side of Number 9 which would impact upon the private enjoyment of the garden of Number 9, as well as creating a major enhancement of the potential risk of overshadowing. This is in direct contravention of Policies 2 (Para 3.3.8) and 3 (Para 3.4.4) of the SELLP which set out that development should preserve the amenity of neighbouring properties and that development should be influenced in terms of scale and massing, by that of neighbouring properties and the surrounding area.

Heritage Impact

The Local Planning Authority determines that this proposal would have an unacceptably harsh impact upon the character of the area. This portion of the Conservation Area is characterised by large properties with wide, well-spaced plots. The development which has been constructed on this site had already impacted upon that general character. However, by allowing 2 storey development

so close to the boundary of the property, this would vastly alter the street side appearance of this property further compounding the degradation of the general character of plot widths and existing street pattern of this site within a central portion of Pinchbeck and its associated Conservation Area meaning that this proposal is in direct contravention of Policy 29 of the South East Lincolnshire Local Plan (2019) . Therefore, this application is not considered to be able to either Conserve or Enhance the Historic Environment in line with Section 16 of the National Planning Policy Framework (2021), as is a requirement for developments affecting the Historic Environment and/or any Heritage Assets.

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.

Planning Balance

This development, by virtue of its inclusion of North-Westward expansion, in relation to the size of the proposal plot, is considered unacceptable in principle due to the negative impact that it would have upon the residential amenity of its neighbouring properties as well as upon the general character and plot scaling of this portion of the Conservation Area. It could be argued that the visual style of the proposal is generally, on a basic level, in keeping with the host property and the general, modern/C20th character of the area, and that this site could support 4 bedrooms with the level of parking provision available. However, neither of these outweigh or negate the fact that further side extension of this property would result in an unacceptably harsh impact upon the neighbouring residential amenity and area's character in terms of scale and massing as well as plot size and street pattern.

**Conclusion**

For the reasons listed above, this application is found to be in direct contravention of Policies 2, 3, and 29 of the South East Lincolnshire Local Plan (2019) as well as Section 16 of the National Planning Policy Framework (2021). Therefore, this application is recommended for refusal.

**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.