DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0730-21**	**Applicant:**	**S A Parker Construction Services Ltd**
Proposal:	Extension & Alterations		
Location:	47 Milestone Lane Pinchbeck Spalding		
Terminal Date:	15th October 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2021

Section 12- Achieving well-designed places.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RESIDENTS	1	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed extension and alterations to the property at 47 Milestone Lane, Pinchbeck.

Site Description

The site is situated within the settlement of Pinchbeck, according to the South East Lincolnshire Local Plan, 2019. The property in question is a semi-detached dwelling located close to the corner of Milestone Lane and Bacons Lane. The dwelling sits reasonably close to the road. The garden is primarily situated to the side of the property, along with a small almost triangular garden at the rear. There is a detached garage and a driveway situated to the north of the boundary.

The surrounding dwellings to the north are mostly characterised as bungalows in a similar age and design, with a variety of dwelling types to the south.

History

No relevant planning history.

Consultation Responses

Public (3 comments/objections received, summarised) -
- Too close to the cross road junction, where visibility and speeding is a problem
- Manoeuvrability of cars in and out of the property could cause issues
- Close to the entrance of the property opposite
- Recommendation for a planning condition requiring the installation of a minimum of 3 swift nest bricks to provide enhancement for biodiversity.

Highway and Lead Local Flood Authority - No objections subject to standard highway informatives and condition.

Planning Considerations

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and 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 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.

The proposed extension will protrude from the side elevation of the dwelling by approx. 3.2m and a depth of approx. 4.5m. The ridge height would be marginally lower than the existing dwelling and would be set well back from the original ridgeline of the dwelling. This is because the extension would be set back from the existing front elevation of the dwelling by approx. 3.3m. The result of this is that it would be a form of development that is visually discordant and alien in the streetscene.

Internally, the purpose of the development is to gain further internal floor space for enlarging and creating new rooms inside the house. This includes a new kitchen to the ground floor, with the existing kitchen being replaced as a utility room and downstairs w/c. To the first floor, the proposed extension will enable the provision of an additional shower room and a new landing towards a new bedroom. This would be in keeping with the residential use of the property.

Taking the above into account, on balance, the proposed extension and alterations are not deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale due to the extension being set back and impacting upon the overall design of the roof and existing dwelling.

Impact upon Residential Amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

To the first floor, proposed windows are situated to the front and rear elevations of the new

bedroom. It is considered that the proposed windows will not have a detrimental impact upon overlooking, as the side elevation of the property to the rear is approx. 23m away and at the front it is tantamount to a normal frontage relationship. The same can be said of the front and rear elevation windows/door at ground floor. The side facing window to the kitchen would be at an angle from any neighbouring dwelling.

The proposed extension is not deemed to have a material adverse impact in terms of being overbearing or causing undue overshadowing of neighbouring properties. The property to the north east is approx. 20m away, the dwelling to the north west is approx. 23m away and the extension is set in from the boundary with the attached dwelling and to the east.

Taking the above into account, the proposed extension is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity.

Parking Provision

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision. 2 no. car spaces must be provided within the curtilage for dwellings up to 3 no. bedrooms. It is considered that the proposed parking provision could accommodate two cars cars and a turning point and the Local Highways Authority have advised that no on street parking would be suitable for this dwelling.

Therefore, the proposals would comply with Appendix 6 of SELLP 2019 and would therefore be acceptable.

Highway Safety

The Highway Authority have not objected to the proposal on highway safety grounds after the plans have been revised to show a visibility splay and that on-plot turning can be accommodated.

Given the above, the proposal is considered to be in accordance with Policies 2 and 3 of the Local Plan. Policy 2 requires sustainable development considerations to be met, including with regard to access. Policy 3 requires development proposals to consider the layout of parking. It is also in accordance with Section 9 of the National Planning Policy Framework (2021) which requires development proposals to ensure safe and suitable access for all users.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

Whilst the proposal is acceptable on highway and amenity grounds, it would materially harm the character and appearance of the locality by virtue of its discordant appearance. It is therefore considered to conflict with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019, and Section 12 of the NPPF, 2021.

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

The recommendation is for a delegated refusal.