

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H15-0077-24 **Applicant:** Miss C Bratley
Proposal: Extensions & Alterations to Dwelling
Location: The Foxes New Road Quadring Eaudike
Terminal Date: 26th March 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
36 Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework 2023

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
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for extensions and alterations to The Foxes, New Road.

Site Description

The site is over 1700m outside the defined settlement boundary of Quadring as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). The property is located opposite R Bratley Ltd and adjacent to the Listed Building 'Bresby House', there are a small number of residential dwellings along this strip of New Road. It is made from tan brick with a tiled roof and white uPVC windows and doors, the property is mostly covered by a large hedge on the front and side curtilages with trees located in the garden as well.

History

H15-0824-22 - Occupation of dwelling by persons not employed in agriculture - SR210/69 Condition 3 - Approved

H15-1006-22 - Retention of dwelling without complying with agricultural habitation clause (Condition 3 of SR210/69) - Approved

Consultation Responses

South Holland District Council Conservation Officer

The proposal site does border a Grade II Listed Building (Bresby House). However, the proposal site is separated by a substantial distance from the listed asset itself as well as multiple visual barriers. For this reason, I do not consider the proposal to present a risk to the appreciation and value of the setting of the listed building. Therefore, I wish to raise no objections.

Key Planning Considerations

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

- Layout, design and impact on the character of the area
- Impact on neighbouring residents/ land users/ land use
- Highway safety and parking
- Heritage Matters

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 within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated 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.

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 brickwork shall match the existing as well as including fibre cement cladding across certain parts of the elevations, they shall use concrete tiles of a similar colour and profile as existing. Finally, the windows will be uPVC to match with the doors being uPVC and powder coated aluminium. These materials will match the existing throughout and in any case the majority of the dwelling is concealed from the public highway due to the existing hedge along the front and side curtilage.

The extension will project from the side by around 4200mm and will have a total length of 4900mm, this will have a total height of around 5400mm and shall be level to the eaves of the rest of the property being 2700mm. This section will feature two roof lights and a set of bi-fold doors both facing to the west, to incorporate the extension in this location an existing side section will be demolished. The side section is therefore considered to be acceptable and proportionate in comparison to the host dwelling.

The first floor extension will mostly be sited on the northern side/ rear elevation, from the side it is to protrude by around 3800mm and shall run to the rear by 8100mm - the rear section will have a length of 2600mm and a width of 7500mm. As mentioned previously, the eaves will be level to the existing and for this section the ridge height will be level with the highest point of the dwelling as is. Furthermore, there is a small dormer window on the front elevation which is slightly shorter. This extension is also considered to be acceptable and proportionate and will add extra floor space for the residents, whilst it is bigger than the ground floor part it will mostly be covered by existing hedges along the boundaries and not visible from the highway thus not causing significant harm on the street scene or locality.

They shall use gable roofs across all elevations to match the existing dwelling, dormer/ gable windows will also be used on certain side. This will match the existing as there are already multiple dormer windows on other elevations. The design is therefore considered to be acceptable.

As part of the development being carried out there will be some alterations to the internal layout of the dwelling. As already mentioned an existing side section currently acting as a sun lounge shall be demolished to allow for the new side extension as well as a small terrace area to the front of this. The existing dining room will become a living area with a wall demolished to allow for access to the rear part of the house, the kitchen shall be converted to a dining area acting as an open plan kitchen and dining with access into the new side sun room. The lobby to the rear is also planned to be demolished but the utility and boiler either side are to remain. On the first floor the shared WC will be extended and opened up slightly for more room and to act as a bathroom, the rear bedroom will have extra space for an office space. The new side extension will also have a new bedroom with an en-suite. Many of these alterations do not necessarily need planning permission but have been included in the plans and therefore mentioned in the report.

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 shall be no material overlooking as a result of this development, the new windows to the front will outlook on the public highway/ front garden and mostly covered by the aforementioned hedge. Similarly, to the north there is a adequate separation distance to the next property and is covered by a plethora of trees. To the east there is no dwelling plus trees to limit any issue that could arise, finally to the south there is a high hedge that shall also limit any potential material overshadowing. Overall, despite the new additions of windows there shall be no significant or material overlooking due to existing boundary treatments. For the above listed reasons, there shall also be no material overshadowing despite the extension. The height of the development will also be the same height as the existing with some sections being slightly less than.

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 (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (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.

Further, 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 property currently houses two bedrooms, the extension shall increase this number to three - as such two vehicle spaces must be provided within the curtilage of the site. It is clear that there is adequate area for two vehicles to be stored away from the highway. Therefore, the development is considered to be in accordance with Policy 36 and Appendix 6 of the SELLP.

Heritage Matters

Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework. Development proposals will expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, conservation areas,

scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

In assessing proposals of this nature, the Local Planning Authority must ensure special regard to preserving the Listed Buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). No harm should be caused with the historical assets and their surroundings requiring to be preserved or enhanced.

The Foxes directly abuts the border of the Grade II Listed Building 'Bresby House', as such the Conservation Officer was consulted to ensure no harm to the area would occur. No objections were raised through this consultation with the comments stating that 'The proposal site is separated by a substantial distance from the listed asset itself as well as multiple visual barriers. For this reason I do not consider the proposal to present a risk to the appreciation and value of the setting of the listed building'. It is therefore considered that there are no grounds within Policy 29 of the SELLP to object to this proposal.

Planning Balance

As detailed above, 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.

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 comply with Policies 2, 3, 29, 36 and Appendix 6 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). There are no 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.