DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0028-24**	**Applicant:**	**Mr Drury & Ms Warnes**
Proposal:	Proposed first floor rear extension, demolition of conservatory and new vehicular access		
Location:	84 Stonegate Spalding		
Terminal Date:	15th 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 9 -
Section 12 - Achieving well designed and beautiful places

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	1	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed first floor rear extension with the demolition of a conservatory and new vehicular access.

Site Description

The site is located within the defined settlement boundaries of Spalding as outlined in the South

East Lincolnshire Local Plan, 2019 (SELLP). No. 84 is made from white render with a grey tiled roof and white uPVC windows and doors, there is a variety of designs along Stonegate but white render is a common design with most other dwellings featuring brickwork. The house is set slightly further up from the Spalding High School and to the east of St Mary and St Nicholas Church just off Church Street.

History

H16-1060-06 - Demolish existing detached garage/utility and build new single-storey extension - Approved

Consultation Responses

Councillor D R Ashby

On the information supplied I fully support this application.

Lincolnshire County Council Highways

From the first consultation further information was required stating that - '*They are proposing an IN/OUT arrangement - the site looks very tight to be able to carry out this manoeuvre whilst also providing parking for 3 cars. They need to demonstrate on plan how this can be achieved. They should include the access and parking dimensions*'

As such, this was passed on to the agent and further information was provided, LCC Highways new comment reads as follows -

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Comments:

The proposal is for a first floor rear extension, demolition of conservatory and new vehicular access. The proposal will result in an increase in bedroom numbers from 3 to 4 and adequate parking has been demonstrated. The secondary access will allow for a further parking space, it would not be dangerous for a car to reverse into the highway at this location and they have good visibility in both directions. The proposal will not have an adverse impact on the public highway.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Informatives

Highway Informative 03

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link: https://www.lincolnshire.gov.uk/licences-

permits/apply-dropped-kerb.

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

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 rear extension will be made from red facing brickwork and white render with the roof being

brown slate effect tiles both to match the existing dwelling. In doing so it ensures it is in keeping and will not cause harm on the locality or street scene. Furthermore, both the roof and windows are currently made from white uPVC and the proposed shall be uPVC in anthracite, whilst this doesn't match the existing as they are to the rear and rather minute details it will be acceptable and not harm the area. As such, the materials are considered to be acceptable in this case.

On the first floor the extension will protrude from the rear by around 3040mm and has a total width of 8490mm which is the same width of the main dwelling. The eaves shall be level with the ridge being dropped slightly sitting at around 6500mm allowing it to appear subordinate. The extension will be on the same footprint as the existing rear section meaning it will be proportionate in comparison to where it sits, by making it appear subordinate this also ensures that the extension is acceptable.

The design of the extension will use a gable roof facing the rear, the existing dwelling has hipped roofs across all elevations so the proposed gable roof could be considered to cause harm due to the difference in design. It is however noted that there are other dwellings in the area that use gable roofs and in any case as the extension will be at the rear then it should cause minimal harm to the character and street scene.

Finally, some internal and external alterations will take place as part of the development. As previously mentioned, the conservatory at the rear will be demolished to allow for new bi-fold doors to be incorporated across the majority of the rear elevation. On the first floor the existing shared bathroom is to be removed to allow for a new landing access to new rear bedrooms, Bedroom 3 will be extended out slightly to make it wider with Bedroom to be located in the extension with an en-suite and shared bathroom adjacent. New windows are to be located within these new rooms, Bedroom 3 shall feature a new side window as well as the new bathroom, on the opposite elevation Bedroom 2 shall also have a new window. Many of these alterations are not subject to the need to obtain planning permission through this application but as they are detailed within the plans they have been 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.

It is considered that despite extending the rear section there will not be a material loss of privacy that will arise, the existing windows on the rear elevation act for two bedrooms and one bathroom. The proposal will change this to incorporate one large bedroom at the very rear with two windows within the habitable area and one within the en-suite, this en-suite due to the nature of the room will of course be obscured glazed and no view will be provided from this. As there are existing windows on the rear for bedrooms it is considered that any overlooking through this area will already be in place and therefore no significant or material loss of privacy will occur. For Bedrooms 2 and 3 on the side new side elevation windows will be installed to allow for natural light due to the removal of the rear windows, these side windows should not cause a material increase in loss of privacy due to them being positioned level with the neighbouring plots and thus not providing a view into rear amenity spaces. There appears to be a side window for No. 85 however this is an obscure glazed window and should not be for a habitable room and therefore no privacy would be lost here, on the opposite side for No. 83 despite there being side elevation windows for this plot it is a bungalow and these windows will not be level and therefore no view shall be provided into habitable windows. As such, despite the new side windows and the rear being extended there should be no material loss of privacy following the development being constructed.

Furthermore, there shall be no material or significant loss of light to either neighbouring property. It is considered that a shadow would be cast into the host dwellings rear garden with the potential for a small shadow to be cast to No. 85 however this shadow would avoid rear amenity areas and windows and would only being cast on a small side garage which is not a habitable area and therefore any shadow would not cause material harm in this instance.

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 existing property has three bedrooms and the development proposes to include a fourth as such they need at least three vehicle spaces. Concern was raised initially surrounding the size of the drive not being able to carry out the proposed in/ out arrangement, as such additional information was required and a new comment was provided which highlighted that there was no objection. 'Adequate parking has been demonstrated. The secondary access will allow for a further parking space, it would not be dangerous for a car to reverse into the highway at this location and they have good visibility in both direction. The proposal will not have an adverse impact on the public highway'. It is therefore considered that there will be adequate vehicle parking on site and this will not cause an unacceptable impact on highway safety and is acceptable.

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 within 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, 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 (NPFF) (December 2023). The 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.