DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0080-22**	**Applicant:**	**Mrs R Hilling**
Proposal:	Single Storey Extension		
Location:	33 Helmsley Way Spalding		
Terminal Date:	25th March 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission to demolish the existing garage and erect a

single storey front/side extension. The extension would have a side projection of 2.5 metres and a front projection of 2.9 metres. The extension would have a pitched roof standing at 3.3 metres in height (2.4 metres to the eaves). It would create a bedroom with an en-suite shower room. The external materials would match the existing dwelling. The scheme also proposes to extend the driveway and extend the dropped kerb.

SITE DESCRIPTION

The application site comprises a two storey detached dwelling located on Helmsley Way, within the Spalding settlement boundary. The property is buff brick built with grey door/window frames. The property has a single attached flat roofed garage to the side. To the front is a concrete driveway providing off-street parking provision for 2 vehicles. A single storey pitched roof extension and a small garden shed are located at the rear of the site. The immediate area comprises primarily detached dwellings.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

South Holland Internal Drainage Board

There is a Board Adopted watercourse known as A02 Coronation Channel Soke Dyke (DRN192P0206) adjacent to the eastern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works within 9 metres of the watercourse, consent would be required to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure). Whilst not currently proposed, should the applicant's proposals change to include works to alter the Board Adopted watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4). The applicant should confirm if there are any riparian owned/maintained watercourses within or adjacent to the site boundary. If the proposals do involve the alteration of a watercourse, consent would be required under the Land Drainage Act 1991 (and Byelaw 4).

LCC Highways/SUDS Authority

No objection. Requests the addition of two informative notes should permission be granted.

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 appears to be well designed and the front/side projection is relatively modest, thereby giving it a subservient appearance. Given the staggered layout of the properties in this part of the street, the proposed front projection can be accepted. The proposed extension would be located approximately 3.8 metres from the front boundary therefore given this and its modest height/single storey nature it would not appear overly prominent in the street scene. The use of matching external materials would further ensure the extension is in keeping with the character of the existing dwelling.

As such on balance, the proposed development is considered to comply with the aforementioned policies on design, layout and impact upon the character of the local area.

Impacts upon Residential Amenity

Paragraph 130 of the 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 the 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.

The closest neighbour to the proposed development is no.35 Helmsley Way located to the south of the application site. The proposed extension would sit close to the shared boundary with this property, approximately 1.1 metres from the shared boundary and 2 metres from its side elevation. It would extend approximately 3.8 metres beyond the front elevation of the neighbouring property as the existing house is already set forward by approximately 1.4 metres. Given the single storey nature of the extension and limited eaves height (2.4 metres) it is not considered that the proposed extension would result in any overbearing impact or unacceptable overshadowing. In addition, the pitch of the roof would face away from this neighbour, thereby further reducing the impact.

With regards to the neighbour at no.31 Helmsley Way located to the north of the application site the proposed house extension would be located approximately 6.8 metres from the shared boundary with this property. This separation distance is considered sufficient as to not result in any overbearing impact or unacceptable overshadowing.

As such the proposal would accord with Paragraph 130 of the National Planning Policy Framework (2021) and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

Parking

In connection with Policy 36 of the SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision. The proposed scheme would create an additional bedroom in the property, increasing the number of bedrooms in the property from 3 to 4. A maximum of 3 parking spaces would be required for the site. The proposed extended driveway can comfortably accommodate 2 off-street parking spaces and potentially one further space in front of the extension. Although there are no set size requirements for open parking spaces, the space in front of the extension would be relatively tight. However, the scheme could not reasonably be resisted on this basis given the fact the applicant could convert the existing garage into a bedroom without planning permission which would result in the loss of the garage parking space, the same as the current proposal and there would be no requirement for the applicant to extend their driveway to create an additional parking space.

In addition, the Local Highway Authority has not raised any objections to the proposed parking arrangements for the site. As such on balance, the scheme can be accepted.

Drainage

Policy 4 of the SELLP relates to flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); it incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

There is a Board Adopted watercourse known as A02 Coronation Channel Soke Dyke (DRN192P0206) adjacent to the eastern site boundary. South Holland Internal Drainage Board has advised that whilst not currently proposed, should the applicant's proposals change to include works within 9 metres of the watercourse, consent would be required to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure). Whilst not currently proposed, should the applicant's proposals change to include works to alter the Board Adopted watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4). The applicant should confirm if there are any riparian owned/maintained watercourses within or adjacent to the site boundary. If the proposals do involve the alteration of a watercourse, consent would be required under the Land Drainage Act 1991 (and Byelaw 4). An informative will be attached to the planning permission advising the applicant of this.

Subject to the above the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and Section 14 of the National Planning Policy Framework (2021) with regard to their provisions on flood risk and drainage.

Planning Balance

The proposal will not materially harm the character or appearance of the locality, the amenity of nearby residents or result in parking/drainage issues. The planning balance is therefore considered to be in favour of the proposal.

CONCLUSION

In light of the considerations above, the proposal is considered to be in accordance with Policies 2, 3, 4, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (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.

RECOMMENDATION

The application can be approved under delegated powers.

The application was considered by Chairman's Panel on 18/03/22 who accepted the decision could be delegated.