

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0086-24 **Applicant:** Mr J & Mrs E Duda
Proposal: Front & side first floor extensions & alterations
Location: Coneygarth Cowbit Road Spalding
Terminal Date: 29th March 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 9 - Promoting Sustainable Transport
Section 12 - Achieving Well-Designed and Beautiful 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

Description of Proposal

The proposal seeks householder planning permission for the creation of a first-floor extension to the front and side of Coneygarth, Cowbit Road. A ground floor canopy area is also proposed amongst other alterations to the dwelling.

The first-floor extension would be located above the existing flat roof portion of Coneygarth, along the northern elevation. The extension can be divided into a flat roof and apex roof component. The flat roof component would measure 8.7 metres in length with a width of 3.3 metres. The height of the extension would be 5.15 metres, an increase of 2.35 metres.

The apex roof portion would be located to the front of the dwelling, between the existing structure and the proposed flat roof. The height of this component would be approximately 5.6 metres. The extension, consistent with the host, would be rendered white. The roof of the apex would be feature tiles matching the host.

A canopy entrance to the front of the dwelling is proposed. This would measure 5.3 metres (width) with a depth of 1 metre. The canopy would feature a flat roof, of height 2.8 metres. This extension would be finished with faux timber cladding, with zinc cladding to the roof.

In addition, several alterations are proposed. It is proposed that the house would be rendered white. A window is proposed to the front and rear of the first-floor extension. On the north-east elevation, it is proposed that a window be reduced in size and replaced with obscure glass. To the ground floor, a side door is proposed to be removed along with a rear facing window. Two additional bedrooms would be created.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South-East Lincolnshire Local Plan, 2019. The site is located to the east of the river Welland, approximately 200 metres north of Little London Bridge. The area has a mixture of dwelling types and design.

Coneygarth is a detached, two-storey dwelling constructed of pale grey bricks. An attached flat roof garage is located to the north of the property. Large hedging and bushes are located along the front boundaries.

Relevant History

Consultation Responses

The responses received from consultees during the initial consultation exercises can be summarised as follows:

South Holland Internal Drainage Board

"The proposed application does not meet our threshold for commenting as per our Planning and Byelaw Strategy. Therefore the Board has no comments to make"

Highway and Lead Local Flood Authority

"The proposal is for a front & side first floor extensions & alterations. The bedroom numbers will increase to 4 and there are no changes proposed to the parking and access. There is adequate parking for a house of this size and the access is acceptable. 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."

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South-East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is 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, December 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the settlement of Spalding which is classed as a sub-regional within Policy 1. As such development will be permitted that supports Spalding's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

The site is within the defined settlement limits; however, irrespective of this, the proposal comprises extensions to an existing and established residential dwelling and would be entirely within residential curtilage. therefore, development within this location is considered appropriate. Therefore, the proposal is considered to be in accordance with Policy 1 of the SELLP and the principle of development on this site is considered acceptable subject to other material considerations being met.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed and beautiful places", states 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 NPPF, 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 SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable

development attributes of all development proposals. Furthermore, Policy 3 of the SELLP 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 NPPF 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 proposed white render is typical of the area. There are several dwellings within the Cowbit Road area that are rendered white, which would help to naturalise the proposal. That being said, the use of zinc and faux timber cladding is uncommon within the area. There are no comparable materials in the area, with a preference instead being for conventional brickwork and tiling. As such, the proposed materials would appear incongruous in their setting.

Paragraph 57 of the National Design Guide, to be read in conjunction with the Planning Practice Guidance, states "materials, construction details and planting are selected with care for their context" and that "they contribute to visual appeal and local distinctiveness". In line with this guidance, it is considered that the proposed use of zinc and faux timber render does not respect local distinctiveness and would be incongruous in its setting. As such, it is considered that the proposal fails to adhere to Paragraph 57 of the National Design Guide and would be harmful to the area.

While the ground-floor flat roof extensions are not uncommon in the wider area, first-floor roof extensions are an oddity. Without this design feature in order to naturalise the proposal, the flat roof extension, of two storey scale, would appear inappropriate for the area and a significant visual outlier; thereby creating a harmful impact upon the character. This character impact would be exacerbated via the lack of integration with the host that the flat roof extension displays. No attempt has been made to integrate the design with the host, with the use of alternative materials in this portion further exacerbating this point.

Paragraph 3.3.3 of the SELLP (within the justification for Policy 2) states that "any extension is carefully designed to respect and relate to the original building and integrates sensitively with the character and appearance of the surrounding area". The introduction of a visually discordant extension, which is poorly integrated into the host, would directly conflict with this aspect of the adopted development plan.

Paragraph 56 of the National Design Guide states that well designed places should "draw upon the architectural precedents that are prevalent in the local area". Paragraph 53 states that well-designed development is influenced by "the characteristics of the existing built form" as well as "the composition of street scene, individual buildings and their elements".

It is considered that in the immediate area, there are no precedents for this variety of side extension or roof design. As such, whilst precedent would not result in a proposal being acceptable or unacceptable, given that each application must be considered on their own merits, the lack of similar designs within the surrounding area does further indicate that the proposal is uncharacteristic and it is considered that the proposal would appear incongruous and harmful to the street scene. As the proposal is located on the first floor of the dwelling, the impacts of this unacceptable design would be exacerbated, causing unacceptable harm to the character of the area. As such, it is considered that the proposal is contrary to the ideals of good design outlined within the National Design Guide and would fail to accord with the requirements of good design detailed within Policy 3 of the SELLP.

Paragraph 134 of the NPPF states that "development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design". As has been detailed above, it is considered that the proposal fails to reflect the aims of the National Design Guide. As such, it is considered that the proposal is contrary to Paragraph 134 of the NPPF.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be unacceptable. The proposal would cause an adverse impact to the character or appearance of the area and would therefore be in contrary to Policies 2 and 3 of the SELLP and

Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF 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.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

No windows are located within the side elevations of the proposal. In several instances, the proposal would reduce the size, obscure or remove existing windows. In turn, this would lower the risk of overlooking resulting from this proposal. The proposed front window would look onto the Cowbit Road, and as such do not represent an overlooking concern. The rear windows would not increase the potential for views into existing neighbouring dwellings as there are currently rear window in the property which offer comparable views.

The proposal would be located approximately 1 metre from the boundary with Sandiacre to the north. However, this elevation only has one small window, which is connected to an inhabitable room. As such, despite the close relationship between the two, it is not considered that the proposal would have an unacceptable amenity impact.

As detailed above, the scale and design of the proposal is considered to have 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 Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 115 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. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, 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.

As two additional bedrooms are proposed, bringing the total on site to four, an additional parking space is required. It is considered that ample room is provided, via the driveway and the attached garage, to accommodate this additional vehicle. As the Highway Authority has raised no objections to the proposal it is considered that the proposal would not have an adverse impact upon the public highway.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The development hereby proposed would materially harm the character and appearance of the locality. The proposal would introduce an incongruous feature, severely at odds with the character of the area. The design would not be fully integrated into the host dwelling or the wider area. These concerns are exacerbated by the first-floor location, making the extension appear unduly prominent and harmful to the street scene.

In line with Paragraph 134 of the NPPF, proposals which are not well designed, and which fail to reflect the government guidance on design, should be refused. The benefits of a private garage would solely provide a personal benefit for the occupants at the most, with no wider benefit. This lack of benefit, when considering the balance together with the clear harm identified, would not weigh the balance in favour. As such, the planning balance is against the proposal.

Conclusion

Taking these factors into consideration, the proposal is considered to conflict with Policies 2 and 3 of the SELLP, as well as Section 12 of the NPPF.

Based on the assessment detailed above, it is recommended that the proposal should be refused under Delegated Authority.

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.