

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0133-23 **Applicant:** Mr F Mir Javadi
Proposal: Extension and alterations
Location: 98 London Road Spalding
Terminal Date: 18th May 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01 Spatial Strategy
02 Development Management
03 Design of New Development
29 The Historic Environment

National Guidance

National Planning Policy Framework 2021

12 - Achieving well-designed places
16 - Conserving and enhancing the historic environment

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application at 98 London Road, Spalding for an extension and alterations. The proposal seeks to convert the existing integral garage to provide a study, entrance hall, pantry and two cupboards. An open plan kitchen, snug and dining room is sought to the rear. At first floor level, front and rear elevation bedrooms are sought. This would raise the number of bedrooms from two to three. Solar panels would be provided on the rear elevation roof. A rooflight serving the new rear elevation bedroom is to be provided as well as two rooflights above the single storey kitchen extension. The front door is to be oak with an oak flat roof porch projecting forward 1.4 metres and

2.6 metres in height. Proposed materials are to be off white render with roof tiles to be slate or slate lookalike. Exact roofing material details would be addressed by condition. A vehicular access will be provided to the front of the property.

SITE DESCRIPTION

The site is within defined settlement limits and Spalding Conservation Area. The surrounding area is characterised by buildings of varying ages and designs. The site is in Environment Agency Flood Zone 3 and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H16-0637-22

Full - Extension & alterations to 98 London Road and erection of pair of semi-detached dwellings to the rear - Refused - 14 September 2022.

H16-1077-22

Full - Extension & alterations to 98 London Road and erection of single storey dwelling to rear - re-submission of H16-0637-22 - Refused - 19 December 2022.

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS Officer

No objection - *"The proposed extension and alterations include the provision of an area of off-street car parking for residents at the London Road frontage of the dwelling. The use of the property will remain as residential so therefore, the highway authority does not believe the proposed works would have an unacceptable impact upon highway safety and does not wish to object to the grant of Consent for this Application."*

The Officer requests a new access informative.

PLANNING CONSIDERATIONS

Principle of development

The proposal is for a residential extension on residential land in defined settlement limits. The principle of development in this area is considered to be acceptable.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout is considered to be appropriate for the site. No trees will be removed to facilitate this proposal. The character and appearance of the area is not materially impacted by

this proposal.

2. The design and orientation is in keeping with the built character of the surrounding area.

3. Proposed materials are to be off white render with roof tiles to be slate or slate lookalike. Exact roofing material details would be addressed by condition. These materials are considered to be an improvement on the existing external materials of the property.

4. The existing access to the rear will no longer be used for accessing parking and a new access will be added to the front of the property. The off road could accommodate between two and three cars, which is in accordance with Appendix 6 of the SELLP that requires a minimum of two off road parking spaces for dwellings with three bedrooms or fewer.

5. The capacity of existing community services and infrastructure is not impacted by the proposed extension.

6. There is not considered to be a noise, odour or disturbance impact from the proposal. When visual intrusion is considered, the following can be observed:

Overdevelopment - The proposal is not considered to represent overdevelopment. There are a number of dwellings of a similar size in the vicinity of the site. Ample amenity space remains to the rear of the site.

Overlooking - There is not considered to be an increased overlooking aspect from the proposal. The first floor bedroom windows and ground floor study and lounge windows to the front directly face Spalding Road, beyond which the River Welland is sited. There are no new side elevation windows in the extension and there is an existing first floor side facing bathroom window which will remain obscure glazed when it is used for en-suite purposes. The first floor rear elevation windows do not directly face neighbouring properties and are approximately 40 metres from the St Thomas Road flats beyond the rear boundary. The ground floor rear facing windows directly face the rear boundary and do not face any neighbouring properties to the either side. The flats on the opposite side of St Thomas Road are approximately 37 metres away. Therefore, there is not an overlooking impact to these flats.

Overshadowing - There is not considered to be an overshadowing impact from the proposal. The dwelling does not bring a loss of light impact any buildings to the north, south or east. There is a separation distance of 2.37 metres to 99 London Road to the west. There are ground floor windows at 99 London Road that face the extension. These windows are 1 metre away from the boundary fencing. When right to light lines are drawn there will be a small loss of light in the morning, but then due to the orientation of the windows they will not receive any further sunlight during the day. There is also a first floor window at 99 London Road facing the extension. When right to light lines are drawn there is not considered to be a material loss of light as the proposed roof is shallow in pitch and when a 45 degree line is drawn it does not hit more than halfway up this window.

7. The site is in Environment Agency Flood Zone 3 and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. There is not a requirement to raise the finished floor levels of the proposal.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout is considered to be appropriate for the site. No trees will be removed to facilitate this proposal. The character and appearance of the area is not materially impacted by this proposal. A sense of place is not impacted by this extension.

5. There is ample space on site for cycle and bin storage. The existing access to the rear will no longer be used for accessing parking and a new access will be added to the front of the property. The off road could accommodate between two and three cars, which is in accordance with Appendix 6 of the SELLP that requires a minimum of two off road parking spaces for dwellings with three bedrooms or fewer.

11. There is not considered to be a noise, odour or disturbance impact from the proposal. When visual intrusion is considered, the following can be observed:

Overdevelopment - The proposal is not considered to represent overdevelopment. There are a number of dwellings of a similar size in the vicinity of the site. Ample amenity space remains to the rear of the site.

Overlooking - There is not considered to be an increased overlooking aspect from the proposal. The first floor bedroom windows and ground floor study and lounge windows to the front directly face Spalding Road, beyond which the River Welland is sited. There are no new side elevation windows in the extension and there is an existing first floor side facing bathroom window which will remain obscure glazed when it is used for en-suite purposes. The first floor rear elevation windows do not directly face neighbouring properties and are approximately 40 metres from the St Thomas Road flats beyond the rear boundary. The ground floor rear facing windows directly face the rear boundary and do not face any neighbouring properties to the either side. The flats on the opposite side of St Thomas Road are approximately 37 metres away. Therefore, there is not an overlooking impact to these flats.

Overshadowing - There is not considered to be an overshadowing impact from the proposal. The dwelling does not bring a loss of light impact any buildings to the north, south or east. There is a separation distance of 2.37 metres to 99 London Road to the west. There are ground floor windows at 99 London Road that face the extension. These windows are 1 metre away from the boundary fencing. When right to light lines are drawn there will be a small loss of light in the morning, but then due to the orientation of the windows they will not receive any further sunlight during the day. There is also a first floor window at 99 London Road facing the extension. When right to light lines are drawn there is not considered to be a material loss of light as the proposed roof is shallow in pitch and when a 45 degree line is drawn it does not hit more than halfway up this window.

12. The site is in Environment Agency Flood Zone 3 and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. There is not a requirement to raise the finished floor levels of the proposal.

This application accords with SELLP Policy 3.

Assessment against SELLP Policy 29 - The Historic Environment - Conservation Areas

When assessed against the relevant criteria the following can be observed:

1. The proposed retains the existing building, respects existing street patterns, historic building lines and ground surfaces.
2. The proposal does not impact architectural details that contribute toward the character and appearance of the area.
3. The proposal which removes a tin roof, is considered to improved the character of the conservation area.
4. The height, massing, scale, form, materials and plot widths of the area are respected by the proposal.
5. The proposal does not have a negative impact on the townscape, roofscape, skyline and landscape.
6. No trees are impacted by the proposal.

This application accords with SELLP Policy 29.

PLANNING BALANCE

The proposed extension and change of external materials is considered to benefit the character and appearance of the surrounding area. There is not considered to be a material amenity impact on neighbouring properties from the proposal. This application accords with Policies 1, 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019, as well as Sections 12 and 16 of the National Planning Policy Framework, 2021.

CONCLUSION

This application is recommended for approval.

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.