

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0154-24 **Applicant:** Mrs Leyland

Proposal: Proposed two storey side extension with garage conversion and proposed car port

Location: 9 The Chantry Spalding

Terminal Date: 21st May 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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Description of Proposal

The proposal seeks householder planning permission for the creation of a two-storey side extension and a detached carport at 9 The Chantry, Spalding. Alterations to the dwelling are proposed also.

The proposed extension would be located on the north-western elevation of the dwelling. The northernmost corner of the extension would be bisected to form a right-angled trapezium. It would extend beyond the side elevation by approximately 4000mm, with a depth of 8900mm which is consistent with the host dwelling. Likewise, the height of the extension would be consistent with the host, at ridge height of approximately 6700mm. The extension would replace an existing conservatory. All materials would match the host. A south facing window in the principal elevation, a north-west facing window in the side elevation, and two north facing rear windows would be created on the ground floor and repeated on the first floor.

The carport would be located to the front of the dwelling, in an area currently occupied by an outbuilding. The carport would measure 3860mm (width) by 7200mm (length). The structure would feature a gable roof, with a maximum height of 3549mm. The structure would have height to the eaves of 2300mm. The carport would be constructed of timber, with felt roofing.

It is proposed that the existing attached garage would be converted to a family room, with a bay window taking the place of the garage. Minor internal alterations are also proposed. The extensions combined with the alterations would result in an increase in three bedrooms, taking the total on the site to six.

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 towards the west of the settlement, within a residential area. To the immediate north is the Edward Road Dyke, with Ivanda Nursery beyond that. To the south, east and west is housing.

9 The Chantry is fairly typical of its setting. It is a red brick, two-storey dwelling on a triangular plot along a cul-de-sac. While there is a consistent design theme in the area, there is a decent level of variation within this, particularly with regards to house size.

Relevant History

No relevant planning history

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Highway and Lead Local Flood Authority

"The proposal is for a two storey side extension with garage conversion and proposed car port. The bedrooms will increase from 3 to 5 and there is sufficient space on site for parking. The proposal will not have an adverse impact on the public highway."

Welland and Deepings Internal Drainage Board

"I have held informal discussions with the agent and explained the Board's requirements for the scheme including the submission of an application for a relaxation of the 9 metre byelaw distance. Existing and proposed surface water provisions are to be confirmed with the Board"

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, one letter of objection has been received.

This can be summarised as:

- Impact upon Council Tax
- Clarification over meaning of temporary
- Proposal is too wide for the plot
- Appearance out of keeping
- Potential overshadowing

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 centre within Policy 1. The proposed development comprises extensions and additions, including an extension and incidental carport, within the defined residential curtilage of 9 The Chantry, as such, the principle of development is considered appropriate. Therefore, the proposal is considered to be in accordance with Policy 1 of the SELLP. 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. Developments 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, 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 extension would appear as a continuation of the host dwelling. The use of matching scales and materials ensure that visual continuity is maintained. As such, the impact upon the character of the area is limited.

While the proposed development is significant in scale, it is considered that the proposal would not cause significant or unacceptable harm to the character of the area. Within the immediate area, are several larger dwellings and extensions which would go some way to naturalising the development. In addition, the large plot size could comfortably accommodate the extension, without appearing overdeveloped.

While it is unusual to see such a significant increase in the number of bedrooms arising from a proposal, it is considered that this could be achieved via internal alterations under permitted development. Therefore, the weight this point carries is limited. As such, the character impact of the additional bedrooms is considered to be limited.

The amended scheme has significantly reduced the scale of the proposed carport, bringing the proportions more in line with the existing shed. As the proposed carport would be well set back from the road, and largely obscured from the street scene, the impact upon the character of the area would be limited. While timber carports are not common in the immediate area, they are a fairly typical development, and as such would not appear out of character.

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 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.

The proposal would not create significant levels of overlooking. The windows located in the rear and side elevations would face onto the drain and a significant distance from any dwellings as to prevent overlooking. The ground floor windows would be obscured via the existing boundary treatments, preventing overlooking. The first-floor window in the principal elevation would also not increase overlooking. Due to the angle the window would be positioned at, any views into the neighbouring 7 The Chantry would be at oblique angles.

It is considered that sufficient distance and angles are maintained between the proposed extension and neighbouring dwellings as to prevent overshadowing.

The proposed car port would only be marginally taller than the existing outbuilding. As a result, it is not considered that the proposal would have a significant overshadowing effect. Furthermore, it is of note that any potential overshadowing would fall onto a small strip of side garden, which itself is currently largely in shadow due to the host dwelling.

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.

The proposed increase in bedrooms would result in an increase in parking need for the site. Despite the loss of the garage, ample space would be available on the site to accommodate at least three vehicles. As such, the proposal would adhere to Policy 36 and Appendix 6 of the SELLP.

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 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 provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole.

Conclusion

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 33 and 36 of the SELLP, as well as Sections 9 and 12 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Based on the assessment detailed above, it is recommended that the proposal should be approved 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.