

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0317-24 **Applicant:** Mr M Uzpelkis

Proposal: Integrated pitched roof on back of garage to form an undercover outdoor seating area

Location: 36 Windsor Drive Spalding

Terminal Date: 24th June 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving well designed and beautiful places

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	1	0	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Description of Proposal

The proposal seeks planning permission for the creation of an integrated pitched roof to the rear of 36 Windsor Drive in order to form a covered seating area. The rear extension would project from the rear wall by 3 metres, with a width of 6 metres. The proposal would feature a dual pitched roof, with an eaves height of 2.5 metres, rising to 4 metres at the ridge. It is proposed that the roof tiles would match the host, with timber pillars supporting the structure.

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 south-east of the settlement, approximately 400 metres north-east of the confluence of the Coronation Chancel and the river Welland. The site is characterised by residential dwellings. While there is a general preference for bungalows, there are a number of two-storey dwellings in the wider area. Designs in the area are generally consistent.

Construction works, approved under the previous permissions below, are currently underway on the site. The previously approved dwelling is larger and more contemporary in style than its immediate counterparts.

Relevant History

H16-1107-23 - Section 73A. Extension & Alterations - approved under H16-0866-22. Modification of Condition 2 to allow amendments to previously approved plans. Approved 31/01/24.

H16-0866-22 - Full. Extensions and Alterations. Approved 27/10/22.

H16-0129-22 - Full. Extensions & Alterations - re-submission of H16-1042-21. Refused 29/03/22.

H16-1042-21 - Full. Extensions and alterations. Refused 16/12/21.

H16-0012-16 - Outline. Residential development - single-storey dwelling. Refused 04/04/16.

H16-0029-15 - Outline. Residential development - erection of one-and-half storey dwelling. Refused 09/04/15.

Consultation Responses

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

SHDC Environmental Protection

No comments

Cllr Ashby

Support - Acceptable.

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 representation has been received.

This can be summarised as:

-Object - Loss of privacy, particularly due to the potential to overhear conversations within the rear garden

-Object - Increase in noise

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. 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.

As the site is within Spalding and within the residential curtilage of 36 Windsor Drive, development of this nature within this location 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 design is well integrated into the host. The use of matching materials and a comparable design to the host would ensure visual continuity is maintained. The proposed scale is subservient to the host, preventing it from appearing overly dominant.

While the existing dwelling is relatively large, particularly given the plot size it sits within, it is not considered that the proposed extension would appear overbearing or significantly increase the overdevelopment of the site.

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.

An objection has been received which outlines that, due to the relationship between the proposal and its neighbour, there is a significant potential for noise disturbance and a loss of privacy. While the proposal may increase the likelihood of residents spending time outside, the same effect from noise or overhearing of conversations could occur regardless of this extension. Future residents could reasonably sit in this proposed location regardless of whether or not the covered area is present.

The proposal, by virtue of its nature, would not increase the potential for overlooking. No additional views would be gained from this development.

The proposal would not increase the potential for overshadowing. The proposed eastern edge of the proposal would sit 1.92 metres from the boundary with 38 Windsor Drive. From the apex of the roof to the boundary would be approximately 4 metres. A 1.8-metre-high boundary fence and hedge are present along this boundary. While these distances are short, it is considered that they are sufficient to prevent overshadowing when the boundary treatments are considered. The majority of shadow cast would fall onto the boundary treatments, reducing the potential impacts.

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.

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

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 these factors into consideration, the proposal is considered to comply with Policies 1, 2 and 3 of the SELLP, as well as Section 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.