DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0364-25**	**Applicant:**	**Mr Welbourn**
Proposal:	Proposed Single Storey Rear Extension and Detached Garage		
Location:	23 Chiltern Drive Spalding		
Terminal Date:	10th June 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
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 December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

National Guidance

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for a single storey rear extension and a detached garage building. The garage is proposed to be located to the south-east of the dwelling, next to the eastern boundary of the site.

Site Description

The site comprises land at 23 Chiltern Drive, Spalding. The site features a semi-detached two storey dwelling. There is a pathway to the east of the site which leads to an area of green space which is located to the north of the site.

The site is located within the settlement limit of Spalding, as identified by the South East Lincolnshire Local Plan 2011-2036, and the accompanying policies map.

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

Relevant Planning History

H16-0022-18: (Full Application) Two-storey rear and side extension - approved 22 February 2018

H16-0444-81: (Outline Application) Residential development on land off Chiltern Drive, Spalding - approved 16 September 1981

H16-0881-84: (Reserved Matters) Residential development for 15 no. dwellings - approved 31 October 1984

Consultation Responses

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on South Holland District Council's website.

Lincolnshire County Council - Highways and SUDS: There should be 6m clearance from the garage door to the highway. The dropped kerb will need extending to be in line with the garage doors - a note should be added to the drawing to say it will be constructed to Lincolnshire County Council Specification.

Cllr G J Taylor: No response received.

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

Development Plan

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 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

-Principle of Development;
-Design and Visual Impact;
-Impact on Amenity;
-Highway Safety and Parking;
-Flood Risk; and
-Biodiversity Net Gain.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan 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 defined settlement of Spalding which is a sub-regional centre. In this case, the proposal solely relates to the erection of a single storey extension and a detached single storey garage. Therefore, the principle of such development is appropriate, provided the design of the extension is suitable in terms of its visual and amenity impact.

Design and Visual Impact

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area and should be visually attractive as a result of good architecture and appropriate landscaping.

Policy 2 of the Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 accords with the provisions of Section 12 of the NPPF, in that it 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.

The existing dwelling comprises a semi-detached two storey dwelling. It is proposed to demolish the existing conservatory that is located at the rear of the dwelling and replace this with a single storey rear extension. The proposed rear extension would measure 8.3m by 4m. The extension is proposed to feature a flat roof form, measuring 3m in height.

A window is proposed on the north-eastern side elevation of the extension. No windows are proposed on the other side elevation of the extension. A patio door, two windows and another door are proposed on the rear elevation. The lower part of the extension would be screened by the existing boundary fencing around the site. The scale of the extension would be proportionate to the main dwelling and the visual impact of the extension is considered to be acceptable.

The proposed garage building would be located to the south-east of the main dwelling, next to the eastern boundary of the site. The garage building is proposed to measure 6.6m in length and 3.3m in width. The garage building is proposed to feature a gable end roof form, measuring 3.7m up to the ridgeline, and 2.4m up to the eaves. A roller shutter door is proposed on the front of the building.

The scale of the garage building is considered to be proportionate to the main dwelling. The positioning of the garage building to the front and side of the dwelling would differ from most of the properties on Chiltern Drive as most of the nearest dwellings do not feature garage buildings or

other outbuildings at the front of the plots. However, one of the nearest dwellings to the site is 20 Chiltern Drive which is located to the south-east of the site. No.20 features a double garage with a gable end roof form which is next to the western boundary of the site. There is a footpath between the properties. As such, the proposed siting and scale of the garage within the site is considered to be acceptable as its positioning would not be out of keeping with the street scene.

The proposed materials are not indicated within the submitted plans, however, the materials are set out within the application form. The proposed materials include brickwork and roof tiles which would match the existing materials, and white uPVC frames to match the existing. The materials are therefore considered to be acceptable. It is considered appropriate to include a condition requiring the proposed materials to match the existing materials as closely as possible in the interests of visual amenity.

The visual impact of the proposed development is therefore acceptable. The proposed development would not cause an adverse impact to the character or appearance of the area and would therefore accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

Due to the proposed siting and scale of the extension, the development would not result in an unacceptable degree of overshadowing.

No additional side windows are proposed on the western side elevation. Therefore, the proposal should not result in an unacceptable degree of overlooking with the neighbouring dwelling to the west of the site, 21 Chiltern Drive. There are no dwellings to the north or north-east of the site. As such the proposal should not result in an unacceptable degree of overlooking.

Therefore, the impact of the proposed development on the amenity of neighbouring properties and future occupants would be acceptable. As such, the proposed development accords with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF in terms of its amenity impact.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out 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, following mitigation.

Policy 2 of the Local Plan sets out 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 Local Plan, 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 extension would not alter the parking requirements for the site as no additional bedrooms would be provided. A detached garage is proposed along the eastern boundary of the site. The garage would provide one parking space, however, there is still room for parking within the front driveway that is proposed to be retained.

Lincolnshire County Council's highways team have set out that there should be a 6m clearance between the garage door and the highway. The proposals show that there would be 4.2m between the front elevation of the garage and the pathway. The highways team have also asked for the dropped kerb next to the site to be extended in line with the garage doors. There is already a dropped kerb in front of the site and it is considered that vehicles could enter the site and the garage using the existing dropped kerb. Ideally, the dropped kerb should be extended; however, this is not considered necessary for highway safety as Chiltern Drive is a quiet cul-de-sac without high speed traffic. Similarly, it is not considered necessary for there to be a 6m clearance in front of the garage as there is room for vehicles to enter the site and the garage.

The proposed development would have an acceptable impact in terms of highway safety and as such the proposal would accord with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

Flood Risk

The site is located within Flood Zone 3. The site is located within the hazard rating area of 'Danger to Most', as ¬identified by the South East Lincolnshire Strategic Flood Risk Assessment (SFRA). The proposal is for single storey extensions and as such the SFRA does not require any specific mitigation. The NPPF and the Local Plan also do not require specific mitigation for this type of proposal. Therefore, the development is considered to be acceptable in flood risk terms.

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition".

The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan, or
(c) the development is exempt from the biodiversity gain condition.

For applications that are submitted prior to the introduction of this requirement, the development would be exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

When taking the above into account, the development in this instance the application is exempt from the statutory 10% Biodiversity Net Gain requirements.

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 does not materially harm the character or appearance of the locality, or amenity of nearby residents. The proposed development therefore accords with the Local Plan and the NPPF. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

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 the above considerations into account, the proposal is considered to accord with Policies 1, 2, 3, 4 and 36 of the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

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