

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Lead Development Management Planner (Interim) - BBC & SHDC

To: Planning Committee - 16 July 2025

(Author: Jess Hill - Senior Planning Consultant)

Purpose: To consider Planning Application H16-0481-25

Application Number: H16-0481-25

Date Received: 20 May 2025

Application Type: FULL

Description: Proposed single storey side extension

Location: 239 PENNYGATE SPALDING

Applicant: Mrs L Page

Agent: JC Architectural Consultant

Ward: Spalding Monks House

Ward Councillors: Cllr S Chauhan
Cllr I H Sheard

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-0481-25>

1.0 REASON FOR COMMITTEE CONSIDERATION

- 1.1 The site is owned by South Holland District Council and as such, in the interests of transparency, it is considered necessary for the application to be considered by the Planning Committee.

2.0 PROPOSAL

- 2.1 The application seeks full planning permission for the erection of a single storey side extension at 239 Pennygate, Spalding. The proposed extension measures 4.9m by 5.39m. The extension is proposed to feature a flat roof form, measuring 2.8m in height.

3.0 SITE DESCRIPTION

- 3.1 The application site comprises land at 239 Pennygate, Spalding. 239 Pennygate is a two-storey semi-detached dwelling, located on the corner of Pennygate (to the south) and Chaucer's Way (to the east).
- 3.2 The site is within the settlement limits of Spalding, as identified by the South East Lincolnshire Local Plan 2011-2036 (March 2019) and the accompanying policies map.
- 3.3 The site is mostly within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

4.0 RELEVANT PLANNING POLICIES

- 4.1 The Development Plan

4.2 South East Lincolnshire Local Plan, March 2019

4.3 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.

4.4 The following policies from the Local Plan are relevant to the determination of the application:

4.5 Policy 01 - Spatial Strategy
Policy 02 - Development Management
Policy 03 - Design of New Development
Policy 04 - Approach to Flood Risk
Policy 36 - Vehicle and Cycle Parking
APPENDIX 6 - Parking Standards

4.6 **National Guidance**

4.7 National Planning Policy Framework (December 2024) (NPPF)

4.8 Section 2 - Achieving sustainable development
Section 4 - Decision-making
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

4.9 Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 No planning applications have previously been submitted within the site.

6.0 REPRESENTATIONS

6.1 Lincolnshire County Council - Highways and SUDS

The extension will form an additional bedroom increasing bedroom numbers to 4. The parking needs to be shown on the proposed block plan. A 4-bed dwelling should have parking for 3 cars.

6.2 Welland and Deepings Internal Drainage Board

No comments.

6.3 Environmental Protection

No comments regarding land contamination.

6.4 Cllr S Chauhan

No response received.

6.5 Cllr I H Sheard

No response received.

6.6 South Holland Internal Drainage Board

No response received.

6.7 Local Representation

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.

7.0 **CONSIDERATIONS**

7.1 **Planning Considerations**

7.2 Development Plan

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

7.3 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.

7.4 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.

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

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

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

7.7 These matters are assessed in turn below.

7.8 Principle of Development

7.9 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.

7.10 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.

7.11 The site is within the defined settlement of Spalding which is a Sub-Regional Centre. Policy 1 sets out that development in this type of settlement will be permitted that supports their role. In this case, the proposal solely relates to the extension of an existing dwelling. Therefore, the principle of such development is appropriate, comprising an appropriate form of development for the location. This is however, provided the design of the extension is suitable in terms of its visual and amenity impact.

7.12 Design and Visual Impact

- 7.13 Paragraph 135 of the NPPF (December 2024) 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.
- 7.14 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.
- 7.15 Policy 3 accords with the provisions of Section 12 of the NPPF (December 2024), 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.
- 7.16 The existing dwelling comprises a semi-detached two storey dwelling, located on the corner of Pennygate (to the south) and Chaucer's Way (to the east). The dwelling features a hipped roof form with a high pitch. The extension would be located on the eastern side elevation of the dwelling. The extension is proposed to measure 4.9m by 5.39m, and to feature a flat roof. The extension is proposed to feature a flat roof, measuring 2.8m in height.
- 7.17 Although the proposed flat roof form would contrast with the hipped roof of the dwelling, this is considered to be acceptable in this instance as the extension would be proportionate to the host dwelling in terms of its scale and siting. A hipped roof form for the extension was considered, however, due to the high pitch of the main dwelling, this was not considered to be necessary in this instance as any hipped roof form would need to feature a much lower roof pitch. This would therefore, also contrast with the host dwelling. As such, the proposed form and appearance of the extension is considered to be acceptable. The extension would also be partially screened by existing boundary fencing and a hedgerow which would help reduce the visual impact of the extension within the street scene. The brickwork is proposed to match the brickwork of the main dwelling and as such this should help integrate the extension with the main dwelling.
- 7.18 The purpose of the extension is to provide additional living space for occupants within the dwelling who have medical and caring needs. The application is supported by a report that has been prepared by an occupational therapist, which sets out why the additional space is required, based on the individual needs of the occupants. This report, as is considered appropriate, has been kept as a confidential report due to its content containing sensitive and personal information. Notwithstanding this, the recommendations of the report are accepted by the local planning authority and it is acknowledged that there is a genuine need for additional space. This weighs in favour of the proposals.
- 7.19 It should also be noted that there are permitted development rights that could allow for a side extension that is only slightly smaller than the proposed extension (approximately 1m less wide).
- 7.20 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 (December 2024).
- 7.21 Impact on Amenity
- 7.22 Paragraph 135 of the NPPF (December 2024) 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.
- 7.23 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.
- 7.24 The nearest dwellings to the site include 241 Pennygate, which is located to the west, and 1 First Avenue, which is located to the north of the site. The proposed extension is not expected to adversely impact the amenity of 241 Pennygate as the extension is proposed on the eastern

side elevation of the dwelling within the site, which is not adjacent to No. 241.

7.25 There would be a separation distance of approximately 7.5m between the rear elevation of the proposed extension and the northern site boundary with 1 First Avenue. There is an existing boundary fence between the properties which provides a degree of screening. There are also already windows on the rear elevation of the dwelling which are positioned at a similar distance from the northern boundary. As such, the proposed separation distance between the extension and 1 First Avenue is considered to be acceptable and the proposal would therefore not result in an adverse degree of overlooking or loss of privacy to any habitable room or private garden area.

7.26 Furthermore, due to the proposed scale and siting of the extension, the development would not result in an unacceptable degree of overshadowing of neighbouring properties.

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 (December 2024).

7.27 Flood Risk

7.28 The site is within Flood Zone 3, however, the site is not within a hazard rating area, as identified by the South East Lincolnshire Strategic Flood Risk Assessment. As the proposal is for a single storey extension, no specific flood risk mitigation is required in this instance as the development would not result in any increased flood risk either at the site or to any surrounding land.

7.29 Highway Safety and Parking

7.30 Lincolnshire County Council's Highways Team has set out that the additional bedroom would result in the need for three parking spaces to be provided. This is based on the recommended parking provision set out within Appendix 6 of the Local Plan. Although the recommendations within Appendix 6 are acknowledged, in this case the extension is proposed to provide additional living space for an existing occupant of the dwelling. Therefore, this should not result in an increased need for parking spaces within the site. It is therefore not considered to be necessary for the applicant to demonstrate that three parking spaces will be provided within the curtilage of the site. The proposed development would not result in any material harm to the surrounding highway network from a safety or capacity perspective in accordance with Policies 2, 3 and 36 of the Local Plan.

7.31 **Planning Balance**

7.32 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.

7.33 The proposal represents appropriate development within the defined settlement boundary. The development would not materially harm the character or appearance of the locality, or amenity or nearby residents whilst confirming with the Local Plan (2019) and the provisions of the NPPF (December 2024).

7.34 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.

7.35 **Additional Considerations**

7.36 Public Sector Equality Duty

7.37 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.

7.38 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.39 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.

7.40 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.41 Human Rights

7.42 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).

7.43 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.

7.44 **Conclusion**

7.45 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.

8.0 **RECOMMENDATIONS**

8.1 The recommendation is to grant approval for the application.

9.0 **CONDITIONS**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:
- Application Form
 - 0498/25/01A - Existing & Proposed Floor Plans, Site Location Plan, Existing & Proposed Elevations, Proposed Block Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

3. All new and replacement brickwork utilised in carrying out the development hereby permitted shall match as closely as possible that of the principal existing building on the site in terms of the type of brick(s), mortar mix and method of bonding.

Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework, December 2024.

4. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

5. **Biodiversity Net Gain**

The applicant's attention is drawn to the following Biodiversity Net Gain requirement.

The effect of Paragraph 13 of Schedule 7A of 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.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be South Holland District Council.

Under Regulation 5 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 the statutory biodiversity gain condition required by Schedule 7A to the Town and Country Planning Act 1990 (as amended) does not apply in relation to planning permission for development which:

-is the subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at: <https://www.gov.uk/guidance/biodiversity-net-gain>.

Based on the information available and submitted in support of this application, the Local Planning Authority considers that the development hereby permitted is exempt and therefore will not require the approval of a biodiversity gain plan, prior to the commencement of development; with the development comprising a statutory exemption as listed above.

As such, the development hereby permitted will not be subject to the biodiversity gain condition.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

For clarity the LPA do not consider that irreplaceable habitats are present at this site.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where

- (a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and
- (b) the conditions subject to which the planning permission is granted:
 - (i) do not affect the post-development value of the onsite habitat as specified in the earlier

biodiversity gain plan, and

(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.

Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

