DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0531-24**	**Applicant:**	**Mr & Mrs J Eccleston**
Proposal:	Two Storey Extensions & Internal Alterations		
Location:	12 Mallard Road Low Fulney Spalding		
Terminal Date:	9th August 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
02	Development Management
03	Design of New Development
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

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
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed two storey extension and internal alterations at 12 Mallard Road, Low Fulney, Spalding.

Site Description

The site is located outside any defined settlement boundary and is therefore classed as being in the open countryside in planning terms. 12 Mallard Road is a semi-detached chalet bungalow sharing its boundary with No. 14, it is one of four properties that are of a similar/identical design to one another. Mallard Road is a predominately industrial area with large greenhouses and nurseries whilst also featuring multiple residential properties.

History

No relevant planning history.

Consultation Responses

South Holland Internal Drainage Board

No comments.

Lincolnshire County Council Highways

Recommendation:

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Comments:

The proposal is for two-storey extension & internal alterations. The extension will increase the size of the dwelling from a 2 to 3 bed. The Highways and Lead Local Flood Authority response is in relation to the impact the proposed development would be expected to have on the operation of the Public Highway. Mallard Road is a private road, and the highway authority has no jurisdiction over the use of this road. With regard to this application, we have considered the safety and impact of these proposals on Adopted Road B1165 and its junction with Mallard Road. It is for the Local Planning Authority to determine whether the access provided by the private road is safe and suitable for all users.
Mallard Road is a Public Right of Way; residential and commercial properties use Mallard Road as private access and it would appear to be lawful given the age of the properties. The proposal will not have an adverse impact on the public highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Lincolnshire County Council Historic Places

Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this

application.

Historic England

No comments.

Public Representation

Currently the house is occupied by two persons and in general parking has remained not too much of an issue but since the erection of the sizeable shed which has been erected and was not erected with the correct planning applications she is concerned that the current parking arrangements only facilitate 1 car and whenever there is visitors to the property they actually park on the adjacent parking driveway which is actually on the other properties, or park on the land adjacent which is a neighbouring property.

This is an ongoing issue and unless arrangements are made within the planning application to make additional space for parking or remove some of or all of the shed to make arrangements, then parking is only possible if made on my mothers property without permission.

Another concern is having made a considerable investment with solar panels and renewable energy sources, there is concern about the blocking of sunlight and natural light and shading of solar panels recently installed on her property.

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.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms 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) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Planning Considerations

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details 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 National Planning Policy Framework (December 2023), 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.

Development proposals should also ensure that developments 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 South East Lincolnshire 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. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy

Framework, 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.

These policies accord with the provisions of the National Planning Policy Framework 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 materials used throughout this extension will all match the existing, this ensures no visual discrepancies should arise as they are not only in keeping with 12 Mallard Road itself but the other identical chalet bungalows within this plot.

The extension will protrude from the side elevation by around 3500mm and have a full length of approximately 10000mm. Due to its two storey nature the extension will be level to the eaves and ridge of the property sitting at 6800mm and 2700mm (approximate), whilst this is not subservient to the host dwelling this is not considered to be a significant or substantial issue that holds enough weight to warrant a refusal in this case. Overall, these measurements are proportionate and acceptable and provide adequate extra floor space for the residents. Despite the four properties within this plot along Mallard Road being identical, the change proposed here would not harm the street scene or locality due to the 35m distance from the property and the highway, it is also somewhat covered be existing mature trees and hedges - further limiting any harm.

In addition to this, as part of this extension there is a new dormer window on the front elevation and a change to the rear dormer to slightly increase its overall size. There are three existing dormer windows on the property currently with dormers being a common theme within the three other properties, the addition of an extra dormer causes no harm as it will be of a similar design thus causing no harm in this instance. As mentioned, the rear dormer shall be slightly changed to be made larger and again this should cause no material harm.

There are some internal alterations taking place also, the lounge/dining area will be opened up into the side extension to create additional floor space, the ground floor section of the extension will be a utility, lobby, hall and bathroom. On the first floor the existing cupboard will be converted into a landing to provide access into the extension which will be used for a bedroom with a wardrobe and shared bathroom. These alterations are considered to be acceptable and should not cause material harm to the street scene and locality.

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 South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) 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 South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Despite the aforementioned change to the rear dormer window, there is not considered to be an increase in material overlooking from this window and therefore no harm should arise. Additionally, the side dormer window is unaltered as well as the front, adjacent to the existing front window there is a proposed new window however this will look out onto the front garden areas which are not considered to be private amenity spaces and thus no material privacy will be lost. No ground floor windows are considered to cause any substantial harm either.

Public representations have been received in regard to the potential for the extension to cause a loss of light to existing solar panels located on No. 14. The LPA consider this to be a material consideration and one that holds weight. In any case, No. 14 is set to the south of the host site and therefore due to the sun rising from the east and setting in the west the extension would not result in a significant loss of light or cause significant/material harm upon the solar panels themselves. Any overshadowing that does occur would be at the latest point in the day when the sun is at its lowest therefore the solar panels would not receive high light levels in this period anyway.

As detailed above, the scale and design of the proposal is considered to be such that there would be 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 provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) 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.

Further, policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, 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.

Currently there are two bedrooms within this property, the extension proposes to add an extra bedroom onto the site thus creating a new total of three bedrooms. This means that at least two vehicle parking spaces are required, due to the layout of these plots the parking is located to the rear and there is considered to be adequate room for at least two spaces in this respect.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

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 South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

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 be in accordance with Policies 2, 3, 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPFF) (December 2023). The 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.