DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0547-25**	**Applicant:**	**Mr & Mrs S Austin**
Proposal:	Proposed internal alterations, car port & boundary wall - approved under H16-1064-15 - Modification of Condition 2 to allow amendments to previously approved plans		
Location:	62 Pinchbeck Road Spalding		
Terminal Date:	5th August 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
29	The Historic Environment
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
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SPALDING & DISTRICT CIVIC SOCIETY	0	1	0	0
SHDC INTERNAL	0	0	0	1

OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks consent to vary condition 2 of permission H16-1064-15 to allow for amendments to the previously approved plans.

Permission H16-1064-15 granted consent for internal alterations, a car port and a boundary wall on 11 April 2016.

Previously, the car port as proposed to measure 12m by 4.5m. A mono-pitch roof form was proposed measuring 2.7m in height at its tallest point. The materials for the carport were not referenced within the approved documents. Under the revised proposals, the carport is proposed to located further to the north away from the boundary with 60 Pinchbeck Road, to the south. The carport is proposed to be smaller, measuring 5.2m by 5.2m. A hipped roof form is proposed, measuring 4.3m in height up to the ridgeline and 3.2m up to the eaves. The car port is proposed to feature an oak timber frame and a natural slate roof.

Site Description

The site comprises 62 Pinchbeck Road which is a three storey dwelling located within a Conservation Area. The dwelling is not listed.

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

Relevant Planning History

H16-0988-80: (Outline Application) Erection of one dwelling on land at rear of 62 Pinchbeck Road, Spalding - approved 07 October 1980

H16-0744-85: (Full Application) Single storey extension - approved 11 September 1985

H16-0329-06: (Full Application) Erection of detached house and attached single garage - refused 28 April 2006

H16-1064-15: (Full Application) Proposed internal alterations, car port and boundary wall - approved 11 April 2016

H16-0460-19: (Full Application) Proposed single storey flat roofed extension to house with associated alterations - approved 11 July 2019

H16-0456-22: (Tree Works) Works to Trees in Spalding Conservation Area - approved 31 May 2022

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.

Spalding and District Civic Society: We welcome the amended design which appears to be an improvement on the previous proposal.

Lincolnshire County Council - Highways and SUDS: The proposal is for minor amendments to condition 2 that already has approval under H16- 1064-15. The minor amendments proposed will not have an adverse impact upon the public highway or surface water flood risk.

National Grid: NGED system is showing an UG decom cable in this area. Please call NGED to check the cable is dead when in a position to start digging.

Tree Officer: Advice given within a pre-application is reiterated. Three nature horse chestnut grow immediately to the south of the existing southern boundary fence. These trees are the subject of Spalding Tree Preservation Order No. 9 1978 and are identified as T30, T31 and T32. It is essential that the proposed garage / carport causes no detriment to these trees. Ideally nothing should be constructed within the Root Protection Area of any significant tree. The current proposal covers a smaller area than the original, being square in shape with a post at each corner and is likely to be viewed as aesthetically pleasing than the original. Any design features which will reduce the impact the shading of the roof will have over the roots of the trees is encouraged. The roof is proposed to be higher than that originally approved but is unlikely to impact on the trees as they have high canopies. The proposal is much better than the original as it leaves a space between the proposed building and the adjected close board fencing, allowing greater water percolation, at a point nearest to the tree trunks. Unfortunately, it covers the dripline of the trees. As the dripline is so near the proposed roof line hopefully the trees will still receive plenty of water. There are only four contact points to the ground which will require excavation, where the corner posts are fitted to support the structure. Ideally such excavation should be done by hand to minimise any root damage. It is vital that major tree roots are not damaged as this may affect the stability of the trees. Are these details of how the posts are fitted in the ground and treated to enhance longevity. The proposed carport is likely to affect the trees less than the former proposal.

Conservation Officer: No response received.

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 representations 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 principle of development for internal alterations, a car port and a boundary wall has previously been found to be acceptable through the approval of permission H16-1064-15. The boundary wall has been installed and the current proposal only seeks to change the appearance and positioning of the proposed carport. There is therefore no need to revisit the matter as to whether the principle of development is acceptable. The main considerations which are relevant in this case include the following:

-Visual and Heritage Impact;
-Impact on Protected Trees;
-Impact on Amenity;
-Highway Safety and Parking;
-Flood Risk;
-Biodiversity Net Gain; and

-Other Conditions.

These matters are considered in turn below.

Visual and Heritage 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 site is within Spalding Conservation Area, which is a designated heritage asset. Section 16 of the NPPF sets out the importance of assessing the impact of proposals on the setting of designated and non-designated heritage assets, to ensure that proposals preserve and enhance these assets.

Policy 29 of the Local Plan sets out that proposals that affect the setting of a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting (Section B).

The carport is proposed to measure 5.2m by 5.2m. A hipped roof form is proposed, measuring 4.3m in height up to the ridgeline and 3.2m up to the eaves. The car port is proposed to feature an oak timber frame and a natural slate roof.

Previously, the carport was proposed to measure 12m by 4.5m. A monopitch roof form was proposed measuring 2.7m in height at its tallest point. The materials for the carport were not referenced within the approved documents.

Therefore, the revised car port is smaller than originally proposed. Furthermore, the carport is proposed to be located further to the north than previously proposed as the carport would be further from the neighbouring boundary with 60 Pinchbeck Road, to the south of the site. It is considered that the revised carport is more aesthetically pleasing than the originally approved carport. The carport is considered to be subservient to the host dwelling and the materials are considered to be suitable. The carport would be located to the side of the dwelling, and the structure would not protrude further forward than the frontage of the dwelling. This would help to integrate the carport into the street scene and minimise its visual prominence.

The visual impact of the proposed development is acceptable. The proposed development would therefore not cause an adverse impact to the character or appearance of Spalding Conservation Area. Therefore, the development would therefore accord with Policies 2, 3 and 29 of the Local Plan and Sections 12 and 16 of the NPPF.

Impact on Protected Trees

Three nature horse chestnut are located immediately to the south of the existing southern boundary fence within the site. These trees are the subject of Spalding Tree Preservation Order No. 9 1978 and are identified as T30, T31 and T32.

The council's tree officer has not raised any objections to the proposals. The officer has reiterated advice set out within a pre-application response, setting out that the revised design is likely to have a reduced impact on protected trees than the previously approved design. Policy 30 of the Local Plan requires proposal to enhance and manage natural assets such as trees. It is considered that the proposals would not have a detrimental impact on the protected trees. It is considered appropriate to retain condition 3 from the original permission, which set out tree protection measures.

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 scale and positioning of the car port, the proposal is not expected to have an adverse impact in terms of overshadowing. The car port would not provide habitable accommodation and as such, the carport would not result in an unacceptable degree of overlooking. As such, the proposed development accords with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

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 sets out 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 36 and Appendix 6 of the Local Plan, set out minimum vehicle parking standards. The standards require at least two spaces for dwellings of up to three bedrooms, and three spaces for dwellings with four or more bedrooms.

Lincolnshire County Council's highways team have confirmed they have no objections to the amended proposals. No changes are proposed to the site access and there would still be ample room for parking and turning within the site if the proposed carport is constructed. The proposed development would therefore be acceptable in terms of highway safety and would therefore accord with Policies 2, 3, 33 and 36 of the Local Plan, as well as Paragraph 116 of the NPPF.

Flood Risk

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. The SFRA South East Lincolnshire Strategic Flood Risk Assessment (SFRA) categorises various areas within the district under hazard ratings. The SFRA sets out guidance and recommended mitigation measures for different types of development within each of the hazard rating areas. In this case the site is partly within a 'Danger to Some' area. The SFRA does not identify any specific mitigation measures for householder applications within this type of area. It is not considered that the development would result in any increased flood risk either within the site or on any surrounding land. The development is therefore acceptable in terms of its flood risk impact.

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.

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

Other Conditions

Condition 1 of permission H16-1064-15 required the development to be commenced within three years. The development has been implemented and as such, this condition can be removed.

Condition 2 is proposed to be updated to refer to updated plans as set out above.

It is considered appropriate to retain condition 3, which sets out measures to protect trees.

It is considered appropriate to remove condition 4 as this condition related to the brickwork for the boundary wall. As this wall has been constructed, this condition is no longer necessary.

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, Spalding Conservation Area or the 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, 29 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.