

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H16-0637-22	Applicant:	Mr F Mir Javadi
Proposal:	Extension & alterations to 98 London Road and erection of pair of semi-detached dwellings to the rear		
Location:	98 London Road Spalding		
Terminal Date:	14th September 2022		

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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

- 5 - Delivering a sufficient supply of homes
- 12 - Achieving well-designed places
- 14 - Meeting the challenge of climate change, flooding and coastal change
- 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
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
WELLAND AND				

DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application for an extension & alterations to 98 London Road, Spalding and the erection of a pair of semi-detached dwellings to the rear. The proposal seeks to provide a parking area to the front of 98 London Road with a study, entrance hall, pantry, two cupboards, a lounge, wc, utility and open plan snug / dining / kitchen area at ground floor level. At first floor level three bedrooms, a landing area, airing cupboard, bathroom, dresser and en-suite will be provided at first floor level.

Proposed materials will be off white render and slate. All first floor rear windows are to be fitted with heavy transparent film to allow light through but no views in or out. A rooflight will be sited in the rear elevation bedroom with rooflights above the snug / dining / kitchen area and west facing solar panels on the remainder of the rear roof slope. An oak front door and porch is to be provided on the front elevation of 98 London Road.

The rear garden of 98 London Road will be substantially reduced in size to provide space for the two dwellings to be accessed off St Thomas Road. The two new dwellings titled Plots 2 and 3 will be mirror image properties. At ground floor level a lounge, cupboard, wc, utility and kitchen / diner area will be provided. At first floor level there will be two bedrooms, a bathroom, study and an airing cupboard. All side windows are to be fitted with heavy transparent film to allow light through but no views in or out. The ground floor will be constructed from dark grey vertical cladding, with smooth off white render at first floor level. The roof will be flat with solar panels laid flat on top and rooflights above the stairwells of each dwelling. Each new dwelling is to be provided with one off road parking space accessed off St Thomas Road, with ramped access to each front door. A small patio and garden will be provided to the rear of each dwelling. All three dwellings will have an electric car charging point installed.

Surface water will be discharged to soakaways with foul water addressed by mains sewerage drains. The submitted Flood Risk Assessment does not seek to raise finished floor levels of the two dwellings. In these instances the local planning authority usually imposes a condition that the finished floor levels of the dwellings must be set at 300mm above ground level.

SITE DESCRIPTION

The site is within defined settlement limits and Spalding Conservation Area. The surrounding area is characterised by buildings of varying ages and designs. The site is in Environment Agency Flood Zone 3 and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

None

CONSULTATION RESPONSES

Lincolnshire County Council - Historic Environment Officer

No archaeological input required.

Lincolnshire County Council - County Highways & SUDS Officer

No objection - Requests a construction management plan and method statement condition, as well as standard access and utility informatives.

South Holland District Council - Conservation Officer

"Whilst this site is situated within the Conservation Area, it is not a portion of that area that contributes substantially to the wider character of the area. Furthermore, the immediate setting is already characterized by late C20th and C21st architecture with the rear elevation of nearly all of the C19th and early C20th properties fronting London road having been substantially altered with much more modern, particularly boxy, flat-roofed extensions.

In their own way, the proposed designs of the proposed 2 dwellings does mirror that backland character by presenting 2 relatively uniform, flat-roofed structures. This design represents an interesting modern interpretation of that otherwise unappealing character, fitting in with their surroundings, whilst contributing positively. Because of this, in conjunction with the condition of this portion of the Conservation area and the setting of the immediate character, I consider the design and materials to be appropriate to this specific portion of the Conservation Area.

The proposed rear extension to the host property is justifiable in much the same way - its appearance is somewhat typical of a number of extant extensions and alterations to the rear elevations of London Road properties and therefore, its design cannot be said to be out of character with its setting. The proposal to white render the property shall not materially alter the character of this property which is already white painted and in the setting of several similar properties.

The applicant has, within the plans indicated a wish to use timber for the joinery (Windows and doors) throughout. I would ensure this remains the case by means of condition, should the application be approved.

Otherwise, the case officer should proceed to consider this application in accordance with Policy 29 of the SELLP and S16 of the NPPF in addition to all other relevant planning considerations, policies and guidance."

Welland & Deepings Internal Drainage Board

No comments

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

When assessed against the relevant criteria the following can be observed:

The proposed dwelling extension and two new dwellings will support Spalding's role as a Sub-Regional Centre.

Assessment against SELLP Policy 2 - Development Management

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout of the proposed extension is considered to be acceptable, however the proposed dwellings are considered to constitute overdevelopment. A tree adjacent to the proposed access for Plot 2 will be removed to facilitate the proposal. The character and appearance of the area will be materially impacted by this overdevelopment of the site, small garden areas and small separation distances to neighbouring dwellings.

2. Contrary to the views of the Conservation Officer, the dwellings are considered to be visually discordant, and alien and incongruous when compared to the other dwellings in the vicinity of the site.

3. The proposed materials of the existing dwelling are off white render and slate. The ground floor of the new dwellings will be constructed from dark grey vertical cladding, with smooth off white render at first floor level. The proposed materials are broadly acceptable in the context of the surrounding area.

4. The proposed vehicular accesses for 98 London Road and the two new dwellings will provide one off road parking space. The level of off road parking provision does not accord with the minimum amount of two off road spaces per dwelling as required under Appendix 6 of the SELLP.

5. There is not considered to be a material impact on existing community services and infrastructure as a result of the proposal.

6. There is not considered to be a material noise, odour or disturbance. With regard to visual amenity the following can be observed:

Overdevelopment - The plot sizes are significantly smaller than those of any other dwellings in the vicinity. Gardens are minimal and not enough space has been provided to provide enough off road parking provision.

Overlooking - The ground floor windows will face existing boundary treatment with the first floor rear windows of 98 London Road and first floor side windows at Plots 2 and 3 film treated to allow light through but not allow views in and out of the windows. The rear windows at Plots 2 and 3 are approximately 18 metres away from the windows serving the flats at Cygnet Court. The recommended minimum separation distance is 21 metres and therefore these windows are considered to create a material overlooking aspect. There is considered to be a material overlooking aspect to the rear elevation windows and proposed garden spaces due to the location of the windows at 99 London Road to the south east.

Overshadowing - Due to the extension at 98 London Road being sited to the north of 99 London Road, there is considered to be a material overshadowing and overbearing impact on the side elevation windows of 99 London Road at ground and first floor level during early daylight hours. There is considered to be a material overshadowing impact on the garden spaces and rear windows of Plots 2 and 3 due to the two storey dwelling at 99 London Road to the south as well as the two storey height of Plots 2 and 3 to the west on the garden spaces provided.

7. The site is in Environment Agency Flood Zone 3 and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Surface water will be discharged to soakaways with foul water addressed by mains sewerage drains.

The proposal does not accord with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout of the proposed extension is considered to be acceptable, however the proposed dwellings are considered to constitute overdevelopment. A tree adjacent to the proposed access for Plot 2 will be removed to facilitate the proposal. The character and appearance of the area will be materially impacted by this overdevelopment of the site, small garden areas and small separation distances to neighbouring dwellings. A sense of place is considered to be materially impacted by this proposal.

5. There is a small amount of space for bicycle and bin storage that will further reduce the already small garden space for each of the three dwellings. The proposed vehicular accesses for 98 London Road and the two new dwellings will provide one off road parking space. The level of off road parking provision does not accord with the minimum amount of two off road spaces per dwelling as required under Appendix 6 of the SELLP.

11. There is not considered to be a material noise, odour or disturbance. With regard to visual amenity the following can be observed:

Overdevelopment - The plot sizes are significantly smaller than those of any other dwellings in the vicinity. Gardens are minimal and not enough space has been provided to provide enough off road parking provision.

Overlooking - The ground floor windows will face existing boundary treatment with the first floor rear windows of 98 London Road and first floor side windows at Plots 2 and 3 film treated to allow light through but not allow views in and out of the windows. The rear windows at Plots 2 and 3 are

approximately 18 metres away from the windows serving the flats at Cygnet Court. The recommended minimum separation distance is 21 metres and therefore these windows are considered to create a material overlooking aspect. There is considered to be a material overlooking aspect to the rear elevation windows and proposed garden spaces due to the location of the windows at 99 London Road to the south east.

Overshadowing - Due to the extension at 98 London Road being sited to the north of 99 London Road, there is considered to be a material overshadowing and overbearing impact on the side elevation windows of 99 London Road at ground and first floor level during early daylight hours. There is considered to be a material overshadowing impact on the garden spaces and rear windows of Plots 2 and 3 due to the two storey dwelling at 99 London Road to the south as well as the two storey height of Plots 2 and 3 to the west on the garden spaces provided.

12. The site is in Environment Agency Flood Zone 3 and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Surface water will be discharged to soakaways with foul water addressed by mains sewerage drains.

The proposal does not accord with SELLP Policy 3.

Assessment against SELLP Policy 29 - The Historic Environment - Conservation Areas

When assessed against the relevant criteria the following can be observed:

1. The proposal does not respect existing street patterns as there are no other large buildings or dwellings sited to the rear of London Road backing onto St Thomas Road.
4. The proposal does not respect the massing of other dwellings in the vicinity and is considered to represent overdevelopment. Whilst the materials of construction are not common in this area there is not considered to be a defined built character in the vicinity of the site.
6. One tree will be removed to provide a vehicular access. No trees are proposed for the site and existing decorative plants to the front of 98 London Road will be removed to provide a driveway to serve the existing dwelling.

The proposal does not accord with Policy 29 of the SELLP.

PLANNING BALANCE

Notwithstanding impact on the Spalding Conservation Area, other material issues are the small garden sizes, only one parking space per dwelling and short separation distances to neighbouring properties which are considered to represent overdevelopment. Additionally, the design of the dwellings is visually discordant and not in keeping with the historic character of the London Road properties. Therefore, this application is not considered to accord with Policies 1, 2, 3, 4, 10, 11, 17, 29, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12, 14 and 16 of the South East Lincolnshire Local Plan, 2021.

CONCLUSION

This application is recommended for refusal.

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.