

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0727-23 **Applicant:** Mr D Roberts

Proposal: Removal of existing conservatory and replace with one and half storey extension & erection of carport (retrospective)

Location: 75 Bourne Road Spalding

Terminal Date: 9th October 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

Description of Proposal

The proposal seeks full planning permission for the demolition of an existing conservatory and the erection of a one and a half storey rear extension at 75 Bourne Road. In addition to this, a carport to the front of the dwelling is proposed. The proposed extension is extremely similar to the one approved under H16-1143-17.

The extension would protrude from the rear by 3.6 metres, and extend marginally beyond the side elevation, forming a connection to the garage. This would provide a total width of approximately 8.4 metres. The extension would feature a dual pitched roof, with design and eaves height in keeping with the host. The ridge would be approximately 0.5 metres less than that of the main dwelling, reaching 6.1 metres. All materials would match the host.

The open carport would be located to the front of the dwelling. It would have a maximum depth of 7.8 metres and maximum width of 4.6 metres. The carport would also feature a dual pitched roof, with eaves height of 2.3 metres and a peak height of 3.6 metres. The carport would be tiled to match the existing dwelling and feature a timber frame.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South-East Lincolnshire Local Plan, 2019. The dwelling is an infill plot, located towards the west of the settlement, in an area characterised by residential dwellings. The area features a mixture of designs, ages, and scales of dwellings.

The site itself is comprised of a chalet bungalow and associated detached garage. The dwelling features a full-length gable roof and is constructed of brown bricks. The site features parking provisions to the front of the dwelling.

Relevant History

H16-0542-02 - Outline. Erect dwelling with joint vehicular access. Approved 27/06/02.

H16-1209-02 - Reserved Matters. Erect a 3-bedroom chalet bungalow (Outline H16/0542/02). Approved 10/04/03.

H16-0983-03 - Full. Erection of 3-bed chalet bungalow. Approved 21/10/03.

H16-1143-17 - Full. Removal of existing conservatory and replace with one and half storey extension. Approved 22/01/18.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Highway and Lead Local Flood Authority

"No objection: The proposed development does not require a new vehicular access to the property. Sufficient space is to be retained within the curtilage of the property for the parking and manoeuvring of residents' vehicles. The proposed development is not therefore expected to have an unacceptable impact upon highway safety and the highway authority does not therefore wish to object to the grant of Consent for this Application."

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

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, 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, 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP 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 settlement of Spalding which is classed as a sub-regional centre within Policy 1. As such development will be permitted that supports Spalding's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

As the site is within Spalding and the works are entirely within the curtilage of an existing dwelling. development within this location is considered appropriate.

Therefore, the proposal is considered to be in accordance with Policy 1 of the SELLP. The principle of development on this site is considered acceptable subject to other material considerations being met.

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

Section 12 of the NPPF, "Achieving well-designed places", states that " 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 130, contained within Section 12 of the NPPF, 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. 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 SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP 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 proposed scale of the extension is proportionate to the plot size and the host and as such

would not appear to be discordant with the host. The footprint of the extension is comparable to the existing conservatory and would not protrude further than said conservatory.

The use of matching materials will further ensure visual continuity is maintained. The use of a roof design to match the host again ensures the proposal is in keeping with the host. The proposal would largely be obscured from the street scene, and as such, the character impact of the development is minimal.

There are currently no other carports in the immediate area, thereby making the proposed carport here a unique feature in the area. The proposed materials likewise are not common in the area. This lack of typicality, coupled with the significant proportions proposed, would lead the carport to being an incongruous feature at odds with the character of the area. The significant scale of the carport is out of proportion to the existing 1 ½ storey dwelling, making it appear even more unwieldy. This significant scale, in particular the height, results in the carport appearing visually dominant, and thus, harmful to the character of the area. The carport is located in front of the adjacent dwellings, further enhancing its visibility and therefore its negative character impact.

Paragraph 56 of the National Design Guide, to be read in conjunction with the relevant section of the Planning Practice Guidance, states that well designed places contribute to local distinctives via "adopting typical building forms, composition, articulation, proportions, features, materials, details, patterns and colours of an area" and "drawing upon the architectural precedents that are prevalent in the local area, including the proportions of buildings". As previously discussed, it is considered that the proportion of the carport is not reflective of the built form of the area, thereby making the structure appear incongruous. Furthermore, it is considered that the use of timber is not common enough in the area as to naturalise such a large structure, thus making the proposal appear even more incompatible. Finally, it is considered that, as carports are not prevalent in the area, the proposal would not draw upon the typical built form of the area, further ensuring the proposal appears incongruous.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be unacceptable. The proposal would cause an adverse impact to the character or appearance of the area and would therefore be in conflict with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 130 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.

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

The proposed extension would not increase overlooking concerns. Any views offered by the proposed skylights would be at oblique angles and are not expected to increase overlooking concerns. A window is proposed in the rear elevation; however, this would be in the same position as the existing rear facing window and would connect onto a bathroom. As the window would connect onto a bathroom, it is reasonable to request that the window be obscured to prevent overlooking and maintain privacy.

The proposed extension would not create significant additional overshadowing. The increase in size is minor and significant enough as to exacerbate any concerns. A large enough separation distance to the windows of the neighbouring dwelling to the south-east, coupled with the angle between the two, would prevent significant overshadowing.

However, the carport would significantly reduce the levels of light reaching the adjacent dwelling to the north-east. A separation distance of approximately 1 metre will be present between the proposed carport and the window western facing window of the adjacent dwelling. At this short separation distance, the carport would significantly reduce the levels of light entering this window. As the window connects to a habitable room, and is the sole window in said room, the impacts of losing light here would be felt particularly strongly.

A discussion was held on site with the applicant regarding the potential for overshadowing. The applicant discussed moving the window of the adjacent dwelling to enable light. However, it is

considered that, due to the significant scale of the proposed carport, even if the window was moved the carport would still reduce light to an unacceptable degree.

As detailed above, the scale and siting of the proposed carport is considered to have a significant and unacceptable impact on the residential amenities of the occupiers of adjacent properties. As such, the proposal is considered to conflict with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Policy 36 of the SELLP, 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.

On the surface, the proposal would increase the level of parking available to the dwelling. However, as the space is already used for parking, the addition of the carport would not increase the number of spaces available. As such, the carport would not create a demonstrable improvement in onsite parking conditions. The proposal would still conform to Policy 36 but would not signify an improvement that gives weight in favour of the proposal.

The proposal would therefore be acceptable in terms of parking provisions. accordance with Policy 36 of the SELLP.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposed extension would not harm residential amenity and would appear visually in keeping with the area.

However, the proposed carport would create significant levels of overshadowing. The carport would be approximately 1 metre from the window of the adjacent dwelling, and therefore, would restrict light from entering the property. The proposed use of timber, at such a scale, would introduce an alien material at odds with the area. Carports are not present in the area, and therefore, the introduction of these feature appears incongruous. These concerns are exacerbated by the significant scale of the proposal, drawing further attention to the carport and making it appear even more out of character.

Conclusion

Taking into consideration these factors, the proposal is considered to conflict with Policies 2 and 3 of the SELLP, as well as Section 12 of the NPPF. The potential amenity and character impact in this case that would outweigh the benefits of the proposal; therefore, the planning balance is against the proposal.

Based on the assessment detailed above, it is recommended that the proposal should be refused under Delegated Authority.

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.