DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0862-24**	**Applicant:**	**D Scase**
Proposal:	Rear, side and garage extension to domestic property		
Location:	20 Cley Hall Drive Spalding		
Terminal Date:	9th December 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
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 - Prompting sustainable transport
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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

This is a householder application for various extensions and alterations at 20 Cley Hall Drive. The alterations include: a front extension to form a garage, a rear two-storey extension, the rebuild of the north elevation including the addition of a pitched roof, a porch, and the creation of a new access.

The proposed garage extension would protrude from the northern most section of the principal elevation. The extension would project 7313mm, with a width of 6740mm. It would have a height of approximately 2880mm to the eaves, rising to 5500mm at its peak. The garage would house two cars. It is proposed that anthracite grey doors would be installed, with all other materials (including tiles and brick work) to match the host. There would be a separation distance of 450mm to the front boundary.

The proposed rear extension would see the removal of an existing single storey component to make way for a two-storey extension. This would have a depth of 4850mm and width of 18665mm. The proposed height is 5500mm to the eaves, rising to 7740mm at its apex. It is proposed that the rear extension would form a "U" shape when the roof is viewed from above. All materials bricks and tiles would match the host. Anthracite grey windows and French doors are proposed within the 4 doors and 3 sets of windows proposed in this elevation.

The northern elevation would be reconstructed, realigning the existing angled wall to become stepped. In addition, the flat roof would be replaced by a mono-pitch roof. Two roof lights are proposed within this roof. The pitched roof would have an approximately height of 2500mm to the eaves, and 4500mm to the apex.

In addition to the above, it is proposed that two obscured glazed windows would be installed on the southern elevation. A porch is proposed. This would be constructed of low-level brick work (up to approximately 1 metre in height) to match the host, with timber posts supporting a tiled dual pitch roof. This roof would have an eave's height of 2500mm rising to 3400mm at its peak. It would have a width of 2200mm with a depth of 1800mm.

It is also proposed a new access would be created. This access would be more central to the plot and would replace an existing wall topped with a hedge. The proposed access is broader than the existing.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019. Cley Hall Drive is residential crescent shaped road emerging from Halmer Gate. Cley Hall Drive is characterised by relatively large residential dwellings, although stylistically there is a fairly eclectic mix. Despite this mixed style, there is a clear preference for dwellings to be well set back from the road, with all properties in the area featuring a decently sized frontage.

20 Cley Hall Drive is fairly typical of the area, being a large yellow-brown brick house. The house is currently split into the main two-storey residence, with a flat roof single storey garage to the north. This orientation is fairly typical.

Relevant History

No relevant planning history.

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:

South Holland Internal Drainage Board

Outline that Land Drainage Consent may be required.

Highway and Lead Local Flood Authority

"The access is being relocated - this will need to be annotated on the proposed site plan. The existing access will need to be formally stopped up and this will be conditioned on any planning

decision. A note should be added to the proposed site plan to say the new access will be constructed to Lincolnshire County Council Specification. The proposed garage will be right up to the highway boundary and so visibility will need to be demonstrated in accord with Manual for Streets. The foundations of the garage should not encroach onto the highway. The garage may obscure visibility for neighbouring properties this should be evidenced."

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 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 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, development in this location is considered acceptable. In any event, the proposal solely relates to the extension of an existing and established residential dwelling and therefore, the principle of such development is considered to be appropriate, comprising an appropriate form of development for the location.

As such, the proposal is considered to be in accordance with the requirements of the SELLP when viewed in principle. This is subject to the assessment against site specific criteria; including (but not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, and impact on highway safety, which are discussed in turn in the following sections.

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 and beautiful places", states 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 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 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, 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 NPPF 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 development would significantly increase the scale of the property. The design and access statement states that the existing dwelling occupies 20% of the total area of the plot (200sqm) with the post development value occupying 29% of the total area of the plot (290sqm), representing a 45% increase. That being said, this figure relates solely to the footprint of the dwelling, and ignores the additional 75sqm of space created on the first floor, which would bring the total floorspace of the dwelling, including the garage, to 460sqm (an approximate 53% increase). Given the significant plot size (stated to be 1000sqm) it is considered that this expansion could be accommodated without resulting in an overdeveloped plot, when viewed in isolation.

That being said, the proposed garage would appear out of keeping with its setting. The vast majority of properties on Cley Hall Drive have a significant set back from the road. The exception being 23 Cley Hall Drive; however, the garage in this instance is still located behind the principal elevation, to the side of the property, and therefore does not appear unduly dominant despite its positioning adjacent to a highway. The same cannot be said of this proposal, where the significant scale of the garage, coupled with its positioning immediately adjacent to a highway would result in an overbearing development, significantly at odds with the character of the area. Paragraphs 53 and 56 of the National Design Guide outline that well-designed development is influenced by the existing built form and character of the area. As discussed above, it is considered that the proposal would fail to adhere to these points.

Furthermore, it is considered that the development along the northern edge of the plot would be poorly integrated into the host property due to the introduction of a discordant roof line. The proposed garage appears to have a significant overhang to its roof, which is a somewhat unusual feature in this context. Given the positioning of this element immediately adjacent to the roadside, the harmful impacts of this feature are likely to be exacerbated. In addition, a portion of the mono-pitch roof element would be visible from the property's frontage, creating a discordant roof line which results in both features appearing as an unnatural add on.

Paragraph 3.3.3 of the SELLP (within the justification for Policy 2) states that "any extension is carefully designed to respect and relate to the original building and integrates sensitively with the character and appearance of the surrounding area". The introduction of a visually discordant extension, which is poorly integrated into the host, would directly conflict with this paragraph.

The proposed use of material to match the host would help to integrate the extensions to a certain

extent. The use of grey aluminium windows and doors, while not currently present on the site, could be achieved under permitted development rights and as such would be difficult to resist in this instance.

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 contrary to Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident 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.

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 windows are not considered to represent a significant overlooking concern. The windows to the rear are positioned in comparable positions to existing features, ensuring no increased overlooking may occur as a result. Furthermore, the windows located within the roof of the mono-pitch section would be positioned at such a height to restrict the views gained from them. In any event, these windows look solely onto a blank elevation, and therefore, the tangible impacts of overlooking are low. The proposed south facing windows would both be obscure glazed, preventing significant overlooking from occurring.

Furthermore, it is not considered that significantly overshadowing would occur as a result of the development. The proposed development to the north of the plot would result in a significant height increase; however, any shadow cast by these alterations would likely fall onto a blank elevation or walkway at 22 Cley Hall Drive. As a result, the tangible impacts of the overshadowing hear are low.

Turning to shadow cast from the development to the southern portion of the plot, it is not considered that this would be unacceptable either. Any shadow cast would be reduced by the existing boundary treatments. Furthermore, what shadow is cast would fall upon an area of rear garden which currently appears to be fairly shadowed; and therefore, the impacts of the overshadowing would be reduced somewhat. In any event, the orientation of the dwelling, located to the north of these properties, would reduce the potential for shadow's to be cast.

As detailed above, the scale and design of the proposal is considered to have 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 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

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 115 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. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

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. Adequate parking has been provided on the site via the addition of the garage. Ample room has been provided to enable vehicles to manoeuvre even with the additional garage.

The proposed extension to the garage would encroach upon the highway, potentially reducing visibility for both the host plot and its neighbour. It has not been demonstrated within the initial submitted details that adequate visibility can be maintained. The necessary amendments required to demonstrate suitable visibility have not been sought due to the fundamental conflict with Policies 2 and 3 relating to design.

It is therefore considered that the proposal has failed to demonstrate no unacceptable adverse impact on highway safety would occur. It cannot be said then that the proposal is in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

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 would materially harm the character and appearance of the locality. The proposal would introduce an incongruous feature, severely at odds with the character of the area. The design would not be fully integrated into the host dwelling or the wider area. These concerns are exacerbated by the prominent location, making the extension appear unduly dominant and harmful to the street scene.

In line with Paragraph 134 of the NPPF, proposals which are not well designed, and which fail to reflect the government guidance on design, should be refused. The benefits of a private garage would solely provide a personal benefit for the occupants at the most, with no wider benefit. This lack of benefit, when considering the balance together with the clear harm identified, would not weigh the balance in favour.

Concerns have been raised regarding visibility and the potential harmful highway impacts; however, as the Highway Authority have not formally objected on this basis, it would be over zealous to refuse the application on this basis.

As such, the planning balance is against the proposal.

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 these factors into consideration, the proposal is considered to conflict with Policies 2 and 3 of the SELLP, as well as Section 12 of the NPPF.

Recommendation

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