DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0866-22**	**Applicant:**	**Mr M Uzpelkis**
Proposal:	Extension and Alterations		
Location:	36 Windsor Drive Spalding		
Terminal Date:	31st October 2022		

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 2021

Section 12- Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
RESIDENTS	5	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for proposed extensions and alterations to 36 Windsor Drive, Spalding. It is a re-submission of H16-0129-22 with an alteration to the rear extension.

The previous application H16-0129-22 was was refused following the reasons below:

"Notwithstanding the fact that the full height front central projection has been removed from the proposal, having regard to the scale of the proposed extensions, the size of the plot and suburban

character of the surrounding area, it is considered that the proposal would still represent overdevelopment of the site by virtue of being out of scale with the area of curtilage that would remain undeveloped. By way of comparison, other properties in the area do not occupy such a large proportion of the plot as is proposed in this case.

As such, it is considered that the proposal would have a material adverse impact on the character and appearance of the area.

The proposal is therefore contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (2019). Policy 2 indicates that sustainable development considerations should be met, in terms of the size, scale, layout and design of the dwelling in regard to the impact upon the character and appearance of the area. Policy 3 indicates that design which is inappropriate to the local area will not be acceptable. These policies are in accordance with Section 12 of the National Planning Policy Framework (2021), in particular the principle that new development should be "sympathetic to local character, including the surrounding built environment". It is also considered to be contrary to Section B2 of the National Design Guide which requires a site's context to be taken into consideration."

Site Description

The site accommodates a detached bungalow and sits on the southern side of Windsor Drive on the corner of the junction with Sandringham Walk. This is a predominantly residential area, within the settlement boundary of Spalding according to the South East Lincolnshire Local Plan, 2019.

The dwelling is set back from the road with a gravelled front garden. There is access to the rear garden on the eastern side of the property.

The dwellings in the surrounding area are a mixture of bungalows and two storey dwellings, and are generally of a similar appearance and age.

History

H16-0129-22- Full- Refused on 29-03-22- Extensions & Alterations - re-submission of H16-1042-21.

H16-1042-21- Full- Refused on 16-12-21- Extensions and alterations.

H16-1127-20- Full- Approved on 05-02-21- Single Storey Rear Extension.

H16-0012-16- Refused on 04-04-16- Outline for Residential development - single-storey dwelling.

H16-0029-15- Refused on 09-04-15- Outline for Residential development - erection of one-and-half storey dwelling.

Consultation Responses

Public (5 no. objections, summarised)

- The proposal is out of character with the surrounding area
- Twice the size of the current dwelling. Thus the proposal exceeds the 20 feet building line as stipulated in the conveyance of the land dated 16 October 1959
- Dust created will be a health hazard and noise from HGV vehicles
- Loss of trees and bushes
- Overshadowing
- Overlooking
- Concerns over noise, behaviour and odours already created by people living in property
- More traffic on road and parking problems
- Rise in more people living at the property
- Proposal previously refused due to property in flood zone (for proposed dwelling)
- Own property would be at risk from damage from the works
- Possible HMO
- Refusal reason for H16-0012-16 not addressed

Planning Considerations

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and 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 states 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.

The existing bungalow is a reasonably modest two bedroom property. The proposed extensions and alterations would substantially increase the size of the property by adding a first floor, as well as the following extensions:
- Approx. 4.9m wide extension projecting from the western elevation and 9.4m deep, projecting forward of the existing front elevation by approx. 2.5m
- Rear extension approx. 1.3m deep by 7.3m wide. This is a significant decrease from the previous application H16-0129-22, and is considered to be more in keeping with the rest of the proposed scale of the dwelling.
- Approx. 7.6m wide extension projecting from the eastern elevation, approx. 5.8m deep, being set back from the two bay windows that project forward.

The proposal would fit suitably within the curtilage following the amendment of the rear projection, with an acceptable level of outdoor amenity space. The design is modern and contemporary in comparison to the surrounding bungalows and dwellings, however, there are still a variety of dwellings in terms of ages, design and size down Windsor Drive, such as rendered elevations, different brick types and roof designs. As such, it is considered that the proposal would not have a material adverse impact on the character and appearance of the area.

One public objection states that the proposal exceeds the 20 feet building line as stipulated in the conveyance of the land dated 16 October 1959. The contents of a document such as this is a civil matter and has no bearing on the determination of this application.

It is also highlighted that a proposal on the site was previously refused due to flood risk. However, that application was for a new dwelling, rather than the extension of the existing dwelling. The same requirements do not apply and if anything, the creation of a first floor is betterment in flood risk terms as it created a refuge above ground level.

In light of the above, the proposed extensions and alterations are considered to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale.

Impact upon Residential Amenity

Paragraph 130 of the National Planning Policy Framework (2021), amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

Concern has been raised regarding the potential for overshadowing and overlooking.

It is not considered that the proposed extensions and alterations would have a material overshadowing impact as the closest dwellings are to the east and south of the dwelling rather than north. The relationship with the property opposite is akin to a normal frontage relationship and the dwelling to the east has no side facing windows.

The rear extension is now set 4.56m from the boundary with no. 1 Sandringham Walk, the windows to the latter are angled away from the extension and that, coupled with the fact the extension is single storey, would avoid a material overbearing impact. These windows would also be at an angle to the proposed rooflights which would prevent a material overlooking aspect.

Whilst the front of the dwelling is orientated to face Windsor Drive, it is also effectively a frontage relationship with no. 2 Sandringham Walk and therefore no amenity impact is anticipated in that regard.

Concerns over noise, behaviour and odours already created by people living in property have been raised, however, these are issues which carry limited weight in the overall planning balance.

A member of the public has also raised concern regarding the generation of dust and noise whilst building work occurs. Whilst I sympathise with the objector, such impacts are not typically considered to carry very limited weight in the overall planning balance.

In light of the above, the proposal is considered to satisfactorily comply with Policies 2 and 3 of the Local Plan in so far as they relate to residential amenity.

Parking provision

Further traffic on road and an increase in people at the property are other concerns raised by the public. In this case, the proposal will create an additional bedroom, which will not result in a material increase in traffic.

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision. 2 no. car spaces must be provided within the curtilage for dwellings with up to 3 no. bedrooms. The drive and garage is sufficient to accommodate this number of vehicles.

Other considerations

There appears to be limited shrub and tree planting on site at present and there are no protected trees within the site boundary.

A member of the public has raised concerns in regards to the property being used as a house of multiple occupancy. There is no interpretation from the proposal that this is the case, and it would appear to be for a single family household. A HMO with up to 6 persons wouldn't require planning permission in any case.

The risk of nearby properties being damaged during construction is a consideration but one which only carries very limited weight in the overall planning balance and would be a civil matter in any event.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

It is considered that the amended plans satisfactorily address the previous reasons for refusal and, as such, it is deemed that the proposed extensions and alterations will not materially harm the character or appearance of the locality or amenity of nearby residents. It is therefore considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Conclusion

The recommendation is therefore for a delegated approval.

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.