DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0902-24**	**Applicant:**	**Mr B Wetherill**
Proposal:	Proposed Extension		
Location:	32 Holland Road Spalding		
Terminal Date:	24th December 2024		

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
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 and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Description of Proposal

This is a householder application for a rear extension at 32 Holland Road which would "square off" the rear. It is proposed that the extension would have a depth of 3100mm, with a width of 5445mm.

The extension would feature a flat roof of height 2250mm. A large roof light is proposed, along with south facing windows. All materials would match the host.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019. The site is located towards the east of the settlement, approximately 250m east of the river Welland, within a distinctly residential area.

32 Holland Road is an infill development, constructed of red brick. It is a relatively small bungalow, of comparable scale and design to its counterparts in the area.

Relevant History

H16-0557-13 - Outline. Residential development. Approved 16/08/13.

H16-1103-13 - Full. Proposed detached bungalow. Approved 25/02/14.

H16-0282-14 - Condition Compliance. Details of archaeological watching brief and external materials (Conditions 3 and 7 of H16-1103-13). Approved 06/05/14.

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

Thank you for your consultation on planning application H16-0902-24. Having screened the application, whilst the site in question lies within the Internal Drainage District of the South Holland Internal Drainage Board the proposed application does not meet our threshold for commenting as per our Planning and Byelaw Strategy. Therefore the Board has no comments to make.

Highway and Lead Local Flood Authority

"The proposal is for an extension to the rear to form an orangery. The access and parking is not affected and the proposal will not have an adverse impact on the public highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning 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, 2 letters of objection have been received.

These can be summarised as:

- Object due to the potential harm to onsite drainage
- Object as it may increase the number of residents
- Object as it may lead to increased vehicles on the site, reducing available parking
- Object as is contrary to the original plans for the property

- Object due to overshadowing

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 within this location is considered appropriate. 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.

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 proposal is located to the rear of the property and is relatively low lying. As such, the relative character impact is limited. The extension would be fairly well integrated into the host dwelling, further ensuring it does not appear as an incongruous element.

While the plot is extremely small, the additional element here would not constitute over development. The increase in scale is proportionate to both the plot and the host dwelling.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with 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.

Due to the low lying nature of the proposal, no overlooking would occur as a result of the development. Any views would be entirely obscured by existing boundary treatments.

Due to the extremely limited separation distance, it is possible that the proposal would reduce light reaching the windows at 34 Holbeach Road to a certain extent. These windows connect onto a bathroom and a habitable room.

From the officer site visit, it would appear that the habitable room window faces south-west, and the bathroom window faces north-west. The weight attributed to the loss of light to the bathroom is negligible, due to its status as an inhabitable room (as outlined in the BRE guidance).

Turning to the habitable rooms impacted, the loss of light is not considered to be overly significant given the relative height of the proposed extension. The flat roof extension is relatively low lying, particularly when considered within the context of the existing boundary treatments on the site, preventing significant light loss. In any event, the relevant window already receives significantly reduced light due to the orientation of the host dwelling; therefore, the impacts of this proposal are reduced. Furthermore, the northernly orientation would reduce the overshadowing effect of the proposal.

Turning to the impact upon the garden space, only a small, pathed walkway would be affected. While this area is relatively small, due to the conditions of 34 Holland Road, it does represent the bulk of the outdoor amenity space available to residents. This area is already shadowed significantly by the existing boundary treatments and the host dwelling. As such, while some light would be lost, it would not significantly worsen the existing overshadowing effect. In any event, the northernly orientation would reduce the overshadowing effect.

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.

The proposal would have no impact upon existing parking arrangements, nor would it increase the demand for onsite parking. It has been stated within a resident objection that the proposal may act as a catalyst for an additional bedroom to be installed within the property, increasing the total from two to three. This alleged increase in bedrooms could occur through internal alterations, beyond the scope of the planning regime, and therefore could occur regardless of the outcome of this decision. In any event, a three bedroom bungalow would have the same parking requirements as a two bedroom dwelling under the requirements of Appendix 6; and therefore, the proposal would still be wholly in accordance with policy.

The Highway Authority have raised no objection to this proposal.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Drainage

Policy 4 of the SELLP, in addition to its focus on flood risk, concerns surface water drainage. Broadly, this policy is supported by Policies 2 and 3, which further ensure that no unacceptable impact upon drainage systems would occur as a result of development.

It has been stated within the received resident objections that the development may have an unacceptable impact upon site drainage. The area the development is proposed to be built on is currently covered in hardstanding, which themselves significantly reduce permeability. Therefore, the extension here would have no significant impact upon the function of soakaways or result in a significant increase in on site surface water run off. As such, the proposal is considered to be in accordance with Policies 2, 3 and 4 of the SELLP concerning surface water drainage.

Objectors have also cited increased pressure upon foul water drainage, stating that the proposal may result in an increased number of bedrooms/ residents in the property. The number of bedrooms hypothesised in these comments could occur via internal alterations beyond the scope of the planning system. Likewise, the Planning Authority are not able to control the number of occupants. As such, the weight attributed to these comments is low and it would be wholly unreasonable for the Planning Department to resist the application on this basis.

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 proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole. While some overshadowing is expected, it would not be to such an extent as to represent harm significant enough to warrant a 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.

Conclusion

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 4, 33 and 36 of the SELLP, as well as Sections 9, 12 and 14 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

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