DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0949-22**	**Applicant:**	**Mr P & Mrs R Bowman**
Proposal:	Extensions & alterations to form new dwelling and extension to existing dwelling		
Location:	175 St Johns Road Spalding		
Terminal Date:	31st January 2023		

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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking planning permission for a proposed extension and alterations to form a new dwelling and an extension to the existing dwelling at 175 St Johns Road, Spalding.

Site Description

The site is situated within the settlement boundary of Spalding and is defined on its north west boundary by St Johns Road. The site currently holds a 20th Century semi detached dwelling and a corrugated steel single storey garage. The surrounding area is mostly characterised by terraced and semi-detached dwellings of a similar age and design and set fronting the road, with on street parking. To the south west of St Johns Road are a variety of detached dwellings set back from the road.

History

No relevant planning history.

Consultation Responses

Welland & Deepings IDB

No comment.

Local Highway and Lead Local Flood Authority

No Objections.

It is acknowledged that the proposed development would remove potential off-street car parking spaces. However, the host dwelling is a terraced property, in a street of terraced properties, the residents of which rely upon on the public highway for parking their vehicles. It is possible to park vehicles on one side of the street and for there to still be sufficient carriageway width for two-way vehicle movements. On-street car parking outside their homes in this part of St John's Road is therefore commonplace and the 'norm' for residents and this practice does not generally give rise to highway safety issues. The proposed development also includes the construction of an additional dwelling which would also be a terraced property, being attached to the host dwelling. The width of this plot is sufficient for the residents of the proposed dwelling to be able to park their vehicle on the street, outside their home, in the same fashion as the residents of the existing dwellings.

SHDC Environmental Protection Officer

No comments or objections.

Public representations (1 comments / 1 objection)

- Concerns over the sewage system, as already constantly having the drains needing to be unblocked
- Too close to the neighbouring boundary
- Obstruct daylight
- Rear window would overlook onto neighbouring property.
- Exiting driveway is sometimes dangerous, with cars parked not leaving enough space to exit safely.

Planning Considerations

- Policy/principle
- Character and appearance
- Flood risk
- Impact upon residential amenity

Policy/Principle

The site is inside Spalding's Settlement Boundary as defined in the South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 (Spatial Strategy) of the SELLP indicates that within Sub Regional Centres, development will be permitted that supports their roles as Sub Regional Centres.

The proposal would be carried out on a plot between existing dwellings, therefore this development can be considered infill development. Furthermore, the intended dwelling could entail the arrival of new residents to Spalding, who would potentially use the services and facilities of the town, most of which are within a reasonable 1km walk of the site. Overall, it is deemed that the proposal would help sustain existing facilities in line with Policy 1 of SELLP. Therefore, the principle of development for the proposal on the application site would be acceptable.

Character and Appearance

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 extensions and alterations to the existing dwelling include the demolition of the sun room at the very rear of 175, with a minor rear ground floor extension. The small rear extension will form an open plan living/kitchen space. In addition to this, a small first floor side extension to enable a family bathroom and the addition of an en-suite to the master bedroom is proposed.

The overall width of the extension and the proposed dwelling will measure approx. 6.5m by 7.6m, including a bay window to the front elevation at ground floor to match the existing dwelling. This will include a shared passage to the access the rear of both dwellings. The frontage of the dwelling will be similar in size, scale, design and materials to no.175 St Johns Road and is acceptable on design grounds.

Taking the above into account, the proposed extensions to the existing dwelling and the proposed dwelling is deemed 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.

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 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.

It is not considered that the proposed rear elevation windows would cause a detrimental impact upon overlooking to the neighbouring front elevation windows to the south west and would therefore be considered acceptable.

As much as the new extension is considered to sit well against most of the surrounding properties in visual terms, it is considered that it would be intrusive and overbearing upon the neighbouring property's occupants to the south west. It would create an unacceptable sense of enclosure upon the neighbouring property because of its siting so far forward of that dwelling and would be clearly

visible from the front windows of that property. It is accepted that there is currently a single storey building that adjoins the boundary, however the addition of a two storey dwelling in this location would have a material impact over and above that of the single storey building by virtue of the difference in height.

The proposed rear elevation windows are not considered to cause a detrimental overlooking impact upon the neighbouring front elevation windows to the south west given that the proposed rear elevation windows to the first floor will include obscure glazing to the proposed bedroom 2 (which will also be angled away from the neighbour) and the bathroom window.

Taking the above into account, the proposed extensions and alterations and the extension to form a new dwelling is deemed to be contrary with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity.

Flood Risk and Drainage

The National Planning Policy Framework (2021) requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower probability of flooding. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risks as advised within Section 14 of the NPPF.

In terms of flood risk, the application site is situated in Environment Agency Flood Zone 3. However, the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) shows that the site falls within no hazard and depth zones.

The Local Plan has allocated sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. Although the application site is not a housing allocation within the Local Plan (only suitable sites capable of accommodating 10+ dwellings have been allocated), the site does lie within the settlement boundary for Spalding. In general, there is a presumption in favour of sustainable development within settlement boundaries and windfall sites are expected to have a contribution towards housing supply (and maintaining the 5-year supply of deliverable sites) in the district. As such, one could argue that, should the site be acceptable in all regards, and if the Exceptions Test is successfully passed, that the site is acceptable in flood risk terms, notwithstanding the fact that there are sequentially preferable allocated sites in the adopted Local Plan.

In order for the Exceptions Test to be passed, it must be demonstrated that the proposed development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

With regard to the above, the development would provide some wider sustainability benefits to the community through a contribution towards housing supply, and other benefits including generating employment during the construction period and its proximity to a range of services and facilities. Providing that finished floor levels are set no lower than 300mm above existing ground level, the development should be safe for its lifetime.

In terms of surface water drainage, the proposal is for this to be discharged via soakaway firstly. There are no known ground permeability issues in this area that would preclude the effective use of soakaways on site, however, the application has suggested that once the soakaway is at full capacity, then some of the surface water would be directed to the combined sewer. The latter is the least favourable option in terms of the drainage hierarchy and would therefore not be the preferable option, with neighbours also expressing concerns around drainage. For foul water, connection would be made to the existing Anglian Water network. Anglian Water are obliged to accept foul

water flows from new developments if proposed.

Given the above, the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk and drainage.

Highway matters and parking

The Local Highway Authority has raised no objections. It is acknowledged that the proposed development would remove potential off-street car parking spaces. However, the host dwelling is a located within a street of terraced and semi-detached properties, the residents of which rely upon on the public highway for parking their vehicles. It is possible to park vehicles on one side of the street and for there to still be sufficient carriageway width for two-way vehicle movements. On-street car parking outside their homes in this part of St John's Road is therefore commonplace and the 'norm' for residents and this practice does not generally give rise to highway safety issues.

The proposed development also includes the construction of an additional dwelling which would also be a terraced property, being attached to the host dwelling. The width of this plot is sufficient for the residents of the proposed dwelling to be able to park their vehicle on the street, outside their home, in the same fashion as the residents of the existing dwellings.

Therefore, the proposed highway and parking arrangements comply with Policies 2 and 36 and Appendix 6 in the SELLP, 2019.

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.

As much as the new extension is considered to sit well against most of the surrounding properties in visual terms, it is considered that it would be intrusive and overbearing upon the neighbouring property's occupants to the south west. It would create an unacceptable sense of enclosure upon the neighbouring property because of its siting so far forward of that dwelling and would be clearly visible from the front windows of that property.

Taking the above into account, the planning balance is considered to lie against the proposal.

Conclusion

The proposed extensions and alterations and the extension to form a new dwelling is deemed to be contrary with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity. Based on the reasons outlined above, the recommendation is therefore for a delegated 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 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 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.