DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0967-23**	**Applicant:**	**Mr B & Mrs H Bosworth**
Proposal:	Proposed Garage & Vehicular Access		
Location:	2 Delacorte Green Spalding		
Terminal Date:	27th December 2023		

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 - 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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Reason for Referral to Chairman's Panel

Chairman's Panel input on design is necessary.

Description of Proposal

The proposal seeks full planning permission for an extension to form a garage and the creation of a new vehicular access at 2 Delacorte Green, Spalding.

The garage would extend from the dwellings' northern elevation, and measure 3700mm (width) by 5300mm (length). It would feature a dual pitched roof, with a ridge height of 4800mm. The garage would measure 2600mm to the eaves. All materials would match the host.

A new vehicular access would be created on the site's north-eastern periphery. This access would lead onto Delacorte Green. This would replace the existing access which connects to Westside. The access would measure approximately 6200mm (length) by 2200mm (width). The driveway would be gravelled.

The existing garage, located to the rear of the dwelling, would be converted to a day room. Folding doors would be added facing south-east, onto a new patio area. The existing access, which would partially be covered by the proposed garage, would be grassed and taken into the garden.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South-East Lincolnshire Local Plan, 2019. It is located on the western extreme of the settlement, adjacent to the Holland Park development.

2 Delacorte Green is located on a corner plot at the junction of Delacorte Green and Westside. The dwelling is a sizeable red brick property, typical of the area. There is a reasonably large side garden, with trees located to the north. The rear of the property features a single storey garage. To the south is a walled garden, serving as the primary outdoor amenity space for the dwelling.

Relevant History

H16-1196-94 - Outline. Residential development. Approved 08/09/85.

H16-1026-01 - Full. Proposed residential development (86 dwellings) and balancing lake. Secretary of State Refused 03/06/03.

H16-0956-04 - Full. Residential development - Erection of 142 dwellings. Approved 28/02/05.

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 extension of this existing dwelling, located within an established residential development, to provide additional living accommodation and a replacement garage, would not be expected to have an unacceptable impact upon highway safety. The new garage will require a new driveway and a new vehicular access onto Delacorte Green. The property's existing vehicular access is onto Westside which, ideally, should be returned to a footway with full-upstand kerbs. The highway authority does not wish to object to the grant of Consent for this Application."

Requests Highway Informative 03 is placed if approval is given.

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.

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 works would be entirely within a residential curtilage, within a defined settlement, and would not be tantamount to the creation of a dwelling, the principle of development is sound.

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 "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 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 that 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.

While it is accepted that the proposed extension would be constructed of materials to match the dwelling, somewhat integrating the design with the host, it is considered that the submitted design is unacceptable. The extension appears to be poorly integrated into the host, in turn making it visually separate from the host. This is particularly true from the west, where the proposed roof meets the existing, where there has been no attempt to incorporate the roof design into the host dwelling. The use of perpendicular, dual pitched roofs is not seen in the area currently, and therefore would appear incongruous.

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.

Paragraph 56 of the National Design Guide states that well designed places should "draw upon the architectural precedents that are prevalent in the local area". Paragraph 53 states that well-designed development is influenced by "the characteristics of the existing built form" as well as "the composition of street scene, individual buildings and their elements".

It is considered that in the immediate area there are no precedents for this variety of side extension or roof design. As such, the proposal would appear incongruous and harmful to the street scene. As the proposal is located within a prominent corner plot, the impacts of this unacceptable design would be exacerbated, causing unacceptable harm to the character of the area. As such, it is considered that the proposal is contrary to the ideals of good design outlined within the National Design Guide and would fail to accord with the requirements of good design detailed within Policy 3 of the SELLP.

Paragraph 134 of the NPPF states that "development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design". As has been detailed above, it is considered that the proposal fails to reflect the aims of the National Design Guide. As such, it is considered that the proposal is contrary to Paragraph 134 of the NPPF.

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 contrary to 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.

There would be no windows created in the proposed garage. As such, the garage would not overlook any properties. The new doors to be created within the previous garage would also create no overlooking due to their ground flood location.

There are no windows within the relevant elevation of 21 Westside. As such, no overshadowing would occur here. There is sufficient distance to the northern neighbour as to prevent overshadowing here.

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 111 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 same level of parking would be maintained. As such, the proposal conforms to Policy 36 of the SELLP.

The relevant consultee from the Highway Authority has raised no objections to the proposal, stating that the work would not have an unacceptable impact upon highway safety. Despite the limited turning space, it is considered that sufficient room has been maintained to allow vehicles to safely manoeuvre in and out of the drive.

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.

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 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 corner location, making the extension appear unduly prominent 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. As such, the planning balance is against the proposal.

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.

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.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be refused under Delegated Authority, subject to the conclusion of the consultation period.