

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-1013-21 **Applicant:** W Wood & J Cole
Proposal: Extension & Alterations - re-submission of H16-0525-21
Location: The Bungalow Fulney Lane South Spalding
Terminal Date: 18th November 2021

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for a single storey side extension measuring 11.3 metres (width) x 6.3 metres. The existing lounge is proposed to be changed to a bedroom. The proposed extension would include a kitchen, dining room and a snug.

The application is a re-submission of a previously refused scheme H16-0525-21. The amended scheme includes a reduced extension size and further details regarding the use of the land.

SITE DESCRIPTION

The property is a detached bungalow located on Fulney Lane South. The site is outside any settlement boundary and within the open countryside. The dwelling is red brick built with white door/window frames. The front garden is part lawn and part hard surfaced providing off-street parking for 3no vehicles. The immediate area is rural with a few dwellings scattered in the immediate vicinity.

RELEVANT PLANNING HISTORY

H16-0525-21 - Extension and alterations - refused

REPRESENTATIONS

South Holland Internal Drainage Board

No objections subject to applications being made for consent to alter the watercourse and to discharge foul water into the watercourse should this be proposed.

PLANNING CONSIDERATIONS

Principle of development

The site is located outside any settlement boundary and within the open countryside as set out in the South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 of SELLP sets out the local spatial strategy from which new development should be preferably steered to the most sustainable locations. A settlement hierarchy has been defined to provide guidance to do so. Any location out of the defined boundaries for urban settlements is classed as countryside. This policy states that "in the countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits".

At the time of the previous application it wasn't clear if the land on which the proposed extension would be sited on formed part of the residential curtilage of the existing bungalow on the site. It has since been demonstrated that the land in question does form part of the residential curtilage of the existing bungalow on the site and has been used as a residential garden as well as parking.

As such the proposal complies with Policy 1 of the South East Lincolnshire Local Plan (2019).

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 previously refused scheme was considered disproportionate to the existing dwelling by virtue of its width and overall footprint and not considered subservient as the extension appeared overly prominent in relation to the existing bungalow and created a significantly wider frontage.

The revised scheme, although still has a significant footprint, can on balance be accepted as the width of the extension has been reduced by some 3 metres. Given there is no strong built character in the immediate area, the proposed extension can on balance be accepted. The ridge height of the extension would be lower than the existing roof ridge, therefore providing an element of subservience.

As such the extension would on balance comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019 and Paragraph 130 of the National Planning Policy Framework (NPPF), 2021.

Impacts upon Residential Amenity

Given the remote location of the property there are no immediate neighbours to the south of the site where the proposed extension would be sited. As such it is not considered that any unacceptable impact would result on neighbouring amenity

As such the proposal would accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Parking

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision. The proposal would increase the number of bedrooms in the property from 2 to 3, however, the parking requirement for the site would not increase. 2no parking spaces would be required for the property which can be accommodated in the driveway to the front. As such the scheme complies with the parking standards.

Flood risk and drainage

Surface water is proposed to be disposed via infiltration. South Holland Internal Drainage Board has recommended that the proposed strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If on-site material were to be considered favourable then we would advise infiltration testing in line with BRE Digest 365 (or equivalent) to be undertaken to determine its efficiency. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3)

No objections have been raised subject to the applicant making an application to them for consent should they propose to alter the watercourse or discharge foul water into the watercourse.

As such 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.

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.

The proposed development would be sited within the established residential curtilage of the existing dwelling. In addition, the reduced size of the extension, although still somewhat large, is on balance considered to be acceptable.

The planning balance is therefore considered to be in favour of the proposal.

CONCLUSION

Taking into account the considerations above, the proposed development is considered to comply with Policies 1, 2, 3, 4 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019 and Paragraph 130 of the National Planning Policy Framework (NPPF), 2021.

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

The application is approved under delegated powers.