DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-1077-22**	**Applicant:**	**Mr F Mir Javadi**
Proposal:	Extension & alterations to 98 London Road and erection of single storey dwelling to rear - re-submission of H16-0637-22		
Location:	98 London Road Spalding		
Terminal Date:	30th December 2022		

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
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

5 - Delivering a sufficient supply of homes
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change
16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
OTHER STATUTORY BODIES	1	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application for an extension & alterations to 98 London Road, Spalding and the erection of a single storey dwelling to the rear. A similar application for 2 two storey dwellings to the rear was refused under planning reference H16-0637-22.

This proposal seeks to provide an extension to the existing dwelling to the side and rear that will provide a lounge, pantry, study, utility, wc and an open plan kitchen / dining / snug area. At first floor level three bedrooms, a dressing room, en-suite and a bathroom are to be provided. The existing roof tiles are to be replaced with slate / slate effect tiles, and the walls are to be off-white render. All first floor rear elevation windows are to be fitted with heavy transparent film to allow through but no views in or out. Three rooflights are to be provided in the roofspace, along with solar panels that are flat on the roof.

The proposed new dwelling seeks to provide three bedrooms, an en-suite, bathroom and an open plan kitchen / dining / lounge room. A roof light will be sited above the kitchen with solar panels upon the flat roof. The external material of construction is dark grey vertical cladding. The height of this dwelling excluding the brick built chimney will be 3.15 metres.

Surface water will be discharged to soakaways with foul water addressed by mains sewerage drains. The submitted Flood Risk Assessment does not seek to raise finished floor levels of the proposed dwelling. In these instances the local planning authority usually imposes a condition that the finished floor levels of the dwellings must be set at 300mm above ground level unless material considerations dictate otherwise.

SITE DESCRIPTION

The site is within defined settlement limits and Spalding Conservation Area. The surrounding area is characterised by buildings of varying ages and designs. The site is in Environment Agency Flood Zone 3 and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H16-0637-22

Full - Extension & alterations to 98 London Road and erection of pair of semi-detached dwellings to the rear - Refused - 14 September 2022.

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS Officer

Requests a construction management plan condition, as well as access and utility informatives.

Welland & Deepings Internal Drainage Board

No comment.

Pedals c/o R J Smith

"The application makes no provision for the storage of cycles at both the existing dwelling and the proposed dwelling. It therefore fails to comply with policy 36 and paragraph 8.5.7 of the Local Plan 2019 and more recent Government policies to increase Active Travel."

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

When assessed against the relevant criteria the following can be observed:

The proposed dwelling extension and new dwelling will support Spalding's role as a Sub-Regional Centre.

This application accords with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout of the proposed extension is considered to be acceptable, however the proposed dwelling is considered to constitute overdevelopment. A tree adjacent to the proposed access for Plot 2 will be removed to facilitate the proposal. The character and appearance of the area will be materially impacted by this overdevelopment of the site, no garden areas and small separation distances to neighbouring dwellings.

2. The proposed dwelling is considered to be visually discordant, and alien and incongruous when compared to the other dwellings in the vicinity of the site.

3.The external material of construction is dark grey vertical cladding. The proposed materials are broadly acceptable in the context of the surrounding area.

4. The proposed vehicular accesses for 98 London Road and the new dwelling will provide two off road parking spaces. The level of off road parking provision accords with the minimum amount of two off road spaces per dwelling, with three bedrooms or fewer, as required under Appendix 6 of the SELLP.

5. There is not considered to be a material impact on existing community services and infrastructure as a result of the proposal.

6. There is not considered to be a material noise, odour or disturbance. With regard to visual amenity the following can be observed:

Overdevelopment - The plot sizes are significantly smaller than those of any other dwellings in the vicinity. The entirety of each site is covered with patio or paving with no grassed garden space provided.

Overlooking - The ground floor windows of 98 London Road will face the proposed wall separating the plots with the first floor rear windows of 98 London Road film treated to allow light through but not allow views in and out of the windows. The rear window of Plot 2 is 8.2 metres away from the existing dwelling. The front windows of the new dwelling are approximately 18 metres from the windows serving the flats at Cygnet Court. The recommended minimum separation distance is 21 metres and therefore these windows are considered to the create a material overlooking aspect. There are no other ground floor windows in the new dwelling directly facing neighbouring properties.

Overshadowing - Due to the extension at 98 London Road being sited to the north of 99 London Road, there is considered to be a material overshadowing and overbearing impact on the side elevation windows of 99 London Road at ground and first floor level during early daylight hours. There is considered to be a material overshadowing impact on the rear window of Plot 2 due to the two storey dwelling at 99 London Road to the south.

7. The site is in Environment Agency Flood Zone 3 and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Surface water will be discharged to soakaways with foul water addressed by mains sewerage drains.

The proposal does not accord with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout of the proposed extension is considered to be acceptable, however the proposed dwelling is considered to constitute overdevelopment. A tree adjacent to the proposed access for Plot 2 will be removed to facilitate the proposal. The character and appearance of the area will be materially impacted by this overdevelopment of the site, no garden areas and small separation distances to neighbouring dwellings.A sense of place is considered to be materially impacted by this proposal.

5. There is a small amount of space for bicycle and bin storage that will further reduce the already small amenity space for both of the dwellings. The proposed vehicular accesses for 98 London Road and the new dwelling will provide two off road parking spaces. The level of off road parking provision accords with the minimum amount of two off road spaces per dwelling, with three bedrooms or fewer, as required under Appendix 6 of the SELLP.

11. There is not considered to be a material noise, odour or disturbance. With regard to visual amenity the following can be observed:

Overdevelopment - The plot sizes are significantly smaller than those of any other dwellings in the vicinity. The entirety of each site is covered with patio or paving with no grassed garden space provided.

Overlooking - The ground floor windows of 98 London Road will face the proposed wall separating the plots with the first floor rear windows of 98 London Road film treated to allow light through but not allow views in and out of the windows. The rear window of Plot 2 is 8.2 metres away from the existing dwelling. The front windows of the new dwelling are approximately 18 metres from the windows serving the flats at Cygnet Court. The recommended minimum separation distance is 21 metres and therefore these windows are considered to the create a material overlooking aspect. There are no other ground floor windows in the new dwelling directly facing neighbouring properties.

Overshadowing - Due to the extension at 98 London Road being sited to the north of 99 London Road, there is considered to be a material overshadowing and overbearing impact on the side elevation windows of 99 London Road at ground and first floor level during early daylight hours. There is considered to be a material overshadowing impact on the rear window of Plot 2 due to the two storey dwelling at 99 London Road to the south.

12. The site is in Environment Agency Flood Zone 3 and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Surface water will be discharged to soakaways with foul water addressed by mains sewerage drains.

The proposal does not accord with SELLP Policy 3.

Assessment against SELLP Policy 29 - The Historic Environment - Conservation Areas

When assessed against the relevant criteria the following can be observed:

1. The proposal does not respect existing street patterns as there are no other large buildings or dwellings sited to the rear of London Road backing onto St Thomas Road.

4. The proposal does not respect the massing of other dwellings in the vicinity and is considered to represent overdevelopment. Whilst the materials of construction are not common in this area there is not considered to be a defined built character in the vicinity of the site.

6. One tree will be removed to provide a vehicular access. No trees are proposed for the site and existing decorative plants to the front of 98 London Road will be removed to provide a driveway to serve the existing dwelling.

The proposal does not accord with Policy 29 of the SELLP.

PLANNING BALANCE

Notwithstanding impact on the Spalding Conservation Area, other material issues are the small amenity spaces and short separation distances to neighbouring properties which are considered to represent overdevelopment. Additionally, the design of the new dwelling is visually discordant and

not in keeping with the historic character of the London Road properties. Therefore, this application is not considered to accord with Policies 1, 2, 3, 4, 10, 11, 17, 29, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12, 14 and 16 of the South East Lincolnshire Local Plan, 2021.

CONCLUSION

This application is recommended for 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.