

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-1129-23 **Applicant:** Mr D Roberts

Proposal: Removal of existing conservatory and replace with one and half storey extension - Re-submission of H16-0727-23

Location: 75 Bourne Road Spalding

Terminal Date: 7th March 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development

National Guidance

National Planning Policy Framework 2023

National Planning Policy Framework (December 2023)

Section 4 - Decision-Making
Section 9 - Promoting Sustainable Transport
Section 12 - Achieving Well-Designed and Beautiful 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

Description of Proposal

The proposal seeks full planning permission for the demolition of an existing conservatory and the erection of a one and a half storey rear extension at 75 Bourne Road.

This application is a resubmission of H16-0727-23, albeit without the carport component of the previous application. The previous application is subject to an ongoing appeal.

The extension proposed would protrude from the rear by 3.6 metres, and extend marginally beyond the side elevation, forming a connection to the garage. This would provide a total width of approximately 8.4 metres. The extension would feature a dual pitched roof, with design and eaves height in keeping with the host. The ridge would be approximately 0.5 metres less than that of the main dwelling, comprising a ridge height of 6.1 metres. All materials would match the host dwelling. The extension would form a family room and link to the garage on the ground floor, with an en-suite bathroom on the first.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South-East Lincolnshire Local Plan, 2019. The dwelling is located towards the west of the settlement, in an area characterised by residential dwellings. The area features a mixture of designs, ages, and scales of dwellings.

The site itself comprises a chalet bungalow and associated detached garage. The dwelling features a full-length gable roof and is constructed of brown bricks. The site features parking provisions to the front of the dwelling.

Relevant History

H16-0542-02 - Outline. Erect dwelling with joint vehicular access. Approved 27/06/02.

H16-1209-02 - Reserved Matters. Erect a 3-bedroom chalet bungalow (Outline H16/0542/02). Approved 10/04/03.

H16-0983-03 - Full. Erection of 3-bed chalet bungalow. Approved 21/10/03.

H16-1143-17 - Full. Removal of existing conservatory and replace with one and half storey extension. Approved 22/01/18.

H16-0727-23 - Full. Removal of existing conservatory and replace with one and half storey extension & erection of carport (retrospective). Refused 10/10/23.

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:

Welland and Deepings Internal Drainage Board

I confirm that Welland & Deepings IDB have no comment to make with regard to this application.

Highway and Lead Local Flood Authority

No Objections:

"This is a resubmission of H16-0727-23 for the removal of an existing conservatory and replace with one and half storey extension. The access and parking remains unchanged - the proposal is acceptable in highway terms."

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 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.

The site lies within Spalding; irrespective of this, the proposed development relates to residential/domestic extensions to an existing and established residential dwelling. The proposed extensions would enlarge the host dwelling, with the development proposed being entirely within the curtilage of an existing dwelling. As such, of this nature, within this location, is considered appropriate and acceptable in principle.

Therefore, 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 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.

Development proposals should also ensure that developments 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 proposed scale of the extension is proportionate to the plot size and the host dwelling and as such would not appear to be discordant with the host dwelling or character. The footprint of the extension is comparable to the existing conservatory and would not protrude further than this existing addition.

The use of matching materials will further ensure visual continuity is maintained. The use of a roof design to match the host dwelling again ensures the proposal is in keeping. The proposal would largely be obscured from the street scene, and as such, the character impact of the development is minimal. Together these factors create a development which would have no adverse impact upon the character of the area, is well integrated and which displays the principles of good development outlined within the National Design Guide.

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.

The proposed extension would not increase overlooking concerns. Any views offered by the proposed skylights would be at oblique angles and are not expected to increase overlooking concerns. A window is proposed in the rear elevation; however, this would be in the same position as the existing rear facing window and would serve a bathroom. As the window would serve a bathroom, it is reasonable to request that the window be obscured to prevent overlooking and maintain privacy and as such, conditions are recommended in this regard.

The proposed extension would not create significant additional overshadowing. The increase in size is such that it is not considered to be significant as to exacerbate any concerns. A sufficient separation distance to the windows of the neighbouring dwelling to the south-east, coupled with the angle between the two, would prevent significant overshadowing.

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 National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) 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.

Further, policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, 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 proposed development would not seek to alter the access or highway arrangements to and from the site. Furthermore, the site comprises sufficient parking that would not be adversely impacted as a result of the extension hereby proposed. Lincolnshire County Council, as Local Highway Authority, have not raised any objections to the proposal.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

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, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole.

Conclusion

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, and 3 of the SELLP, as well as Sections 9 and 12 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.

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

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.