DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H17-0254-24**	**Applicant:**	**Mr R Lambert**
Proposal:	Proposed rear extension		
Location:	Swallow Cottage Birds Drove Surfleet		
Terminal Date:	17th May 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
02	Development Management
03	Design of New Development
National Guidance	
National Planning Policy Framework 2023	
Section 12 - Achieving well designed and beautiful places	

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
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

Proposal

This is a householder application seeking permission for a proposed rear extension at Swallow Cottage, Birds Drove, Surfleet.

Site Description

The site is located outside any defined settlement boundary as outlined within in the South East Lincolnshire Local Plan, 2019 (SELLP). Swallow Cottage is made from bricks with a tiled roof and uPVC windows and doors, the property directly adjacent to this is made from a white render. It is surrounded by large open farming fields just off Gosberton Road.

History

H17-0500-92 - Replacement dwelling - Approved

H17-0728-95 - Details of design and external appearance of replacement dwelling (Condition 2 of H17/0500/92) - Approved

H17-1051-97 - Details of landscaping and external materials (Conditions 3 & 5 of application H17/0500/92)

H17-1188-19 - Replacement dwelling - approved under H17-0500-92 - Modification of Condition 6 to allow cottage to be demolished before replacement dwelling is inhabited - Approved

H17-0933-21 - Retention of vernacular style cottage as a dwelling house, contrary to the requirement of Condition 2 of planning permission H17-1188-19 for the dwelling to be demolished - Approved

H17-0409-22 - Details of written scheme of archaeological investigation and existing & proposed site levels (Conditions 9 & 14 of H17-1340-21) - Approved

Consultation Responses

Surfleet Parish Council

No comment.

Welland and Deepings Internal Drainage Board

Surface water provisions should be confirmed to the Board. Following correspondence with the Agent it was decided that surface water will discharge to soakaways as per the main dwelling.

Lincolnshire County Council Highways Authority

No objections.

Key Planning Considerations

- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses

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.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms 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) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Planning Considerations

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details 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 National Planning Policy Framework (December 2023), 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 South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it 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 National Planning Policy Framework 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 materials to be used on the extension will match the existing dwelling as close as possible to ensure that no visual discrepancies arise following the completion. Despite it being to the rear and therefore not visible from the highway, by using materials that are in keeping it allows the scheme to be more acceptable.

It shall protrude from the rear elevation by around 6980mm and have a total width of 4600mm. As it is a flat roof extension, the total height is to be approximately 2800mm with an additional 500mm for a roof light. Whilst flat roof extensions are not commonly favourable to the LPA as the development is at the rear and not visible from the highway it is considered to be acceptable in this regard. It could be considered that the extension is somewhat substantial in regard to how far it projects from the rear elevation, in any case, as Swallow Cottage is of a fairly substantial size itself, the extension is considered to be acceptable. The scale of the extension has been proposed to provide adequate additional floor space, for its intended purpose. Whilst sizeable, the extension lies to the rear of the host dwelling and as such, would be largely screened from public vantage points along Birds Drove; albeit, the enlargement would be partially visible from some aspects from the surrounding area. It is also worth noting that this extension will mean the rear most point comes almost level to the rear section on the neighbouring property with theirs being two storey; this further benefits the scheme in this regard.

The proposed room shall act as a sun lounge with bi-fold doors to the east and west which provides an acceptable amount of natural light and access into the rear garden. No other internal or external alterations are proposed as a result.

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 South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

There are no material overlooking concerns that should arise as a result of this development, there are to be no windows on the western elevation facing the nearest neighbour with the only windows being on the east and south elevations which are away from the neighbours and should therefore provide no view and cause no material loss in privacy.

Furthermore, there are also no material or significant overshadowing concerns. To the east there is a gap of 9800mm to the boundary with a total distance of 130m to the nearest neighbour in this direction; as such no shadow will harm a neighbour to the east. In addition to this, there is a gap of around 4560mm to the west boundary with a further gap to the rear garden of the neighbour, as such this is considered to be an acceptable gap that will also mean no material shadow is cast to the neighbour.

As detailed above, the scale and design of the proposal is considered to be such that there would be 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 provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

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 outside the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents through overlooking, overshadowing or odour. It causes no unacceptable impact on the highway whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

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.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPFF) (December 2023). The are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

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