

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H18-0863-22 **Applicant:** Mr J Lavender
Proposal: Extension & alterations
Location: Lavender Corner King John Bank Walpole St Andrew
Terminal Date: 27th October 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01 Spatial Strategy
02 Development Management
03 Design of New Development
36 Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for a front porch extension to the main house, a rear extension to the outbuilding, replace roof on outbuilding with a composite corrugated steel roof, new carport to the rear, addition of external raised sitting area and resurfacing of garden with decking. The front porch would measure 1.8 metres x 3.1 metres. The extension would measure 3.2 metres x 9.4 metres.

SITE DESCRIPTION

The application site is located on King Johns Bank in Walpole St Andrew, Wisbech. The site is located outside any defined settlement boundary and within the open countryside. It comprises a two storey detached rendered dwelling and a large detached outbuilding to the north-west of the dwelling which appears to have been converted into living accommodation at some point. The front boundary is enclosed by a low level hedge and the rear of the site is enclosed by high level boundary trees. Vehicle access is from the north-east of the site. The immediate area is characterised by open fields with a number of dwellings scattered along the road.

RELEVANT PLANNING HISTORY

H18-1197-17 - Proposed conservatory to existing dwelling - Approved

H18-0492-92 - Alterations to existing buildings (Windows and doors) - Approved

H18-1077-91 - Proposed double storey extension to house - Approved

REPRESENTATIONS

No representations received.

PLANNING CONSIDERATIONS

Principle of development

Policy 1 of the South East Lincolnshire Local Plan, 2019 indicates that new development will be permitted in the countryside where it 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. Explanatory text indicates that there are certain types of use that need to function in the countryside, such as agriculture and forestry.

The site is outside any defined settlement boundary and within the open countryside as set out in the South East Lincolnshire Local Plan (SELLP), 2019. However, as the proposed works would be within the residential curtilage of the existing dwelling and no new unit would be created in the open countryside therefore the principle of a development associated with an existing dwelling is considered acceptable.

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 key material considerations are addressed below.

Layout, Design, Size and Scale

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting, 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 proposed porch element would be visible from the public realm, however, given its minor footprint and relationship with the existing house it would not appear overly prominent in the street scene.

The outbuilding to the north-west of the dwelling can be seen from the north and west of the site and there are also glimpsed views from King John Bank. The proposed replacement roof would be similar in appearance to the existing and would improve the overall appearance of the building.

The proposed extension to the outbuilding is not considered ideal in terms of its design/appearance, however, it would not be visible from the public realm as it would be sited in the rear garden and blocked by the existing house and the outbuilding therefore it can on balance be accepted as it would not impact the character of the area.

The proposed carport would in effect infill the gap between the main house and the outbuilding. There may be glimpsed views of this from King John Bank, However, given its set-back from the road

and modest height, it would not appear overly prominent in the street scene.

With regards to the proposed decking and landscaping alterations in the rear garden, these can also be accepted as they are not considered to significantly or unacceptably change the overall appearance of the site.

In summary, the proposals are on balance considered visually acceptable within the locality and comply with Policies 2 and 3 of the SELLP and Section 130 of the NPPF.

Impacts upon Residential Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The only immediate neighbour is Aston Villa located to the west of the application site. Given the high level trees along the western boundary the proposed works would not be visible to this neighbour therefore no unacceptable impact would result on the amenity of this neighbour.

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).

Highway safety and car parking provision

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. It is not clear how many bedrooms the property has, however, a maximum of 3no off-street parking spaces are required for the site. The proposed carport would provide 2no spaces and meets the size requirements for covered parking spaces. The site does not currently have formal parking provision therefore the proposed development is considered to somewhat improve the parking situation, albeit it may be short of one parking space. As such the proposal can on balance be accepted.

Planning Balance

The proposal will not materially harm the character or appearance of the locality, the amenity of nearby residents or result in parking implications. The planning balance is therefore considered to be in favour of the proposal.

CONCLUSION

In light of the considerations above, the proposal is considered to be in accordance with Policies 1, 2, 3, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (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 can be approved under delegated powers.