DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H20-0859-23**	**Applicant:**	**Mr & Mrs Redden**
Proposal:	Loft conversion to create bedroom including roof windows		
Location:	44 Baulkins Drove Sutton St James Spalding		
Terminal Date:	23rd November 2023		

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 4 - Decision-making
Section 9 - Promoting sustainable transport
Section 12 - Achieving well designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission to convert the existing loft into a bedroom,

including the insertion of roof windows.

Site Description

The site is within the settlement boundaries of Sutton St James as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). The property is a semi-detached dwelling sited along Baulkins Drove, with 13 other dwellings situated off the main road.

All dwellings along Baulkins Drove are made from similar materials with brickwork, roof tiles and white uPVC windows and doors. Between the row of dwellings and the main road, there is a short drain separating and setting them back from the highway. The site has a large open field to the east and west.

History

H20-0344-08 - Erection of 6 affordable dwellings (Part Retrospective) - Approved

Consultation Responses

Lincolnshire County Council Highways

No objection.

North Level Internal Drainage Board

No comments.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, there have been no letters of representation.

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, 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 (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Planning Considerations

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

Section 12 of the National Planning Policy Framework (2023) specifically relates to 'Achieving well-designed 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 130 of the National Planning Policy Framework (NPPF), 2023 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, that they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the SELLP, 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. This policy 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. 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.

As there are no significant external changes being made, the only proposed materials for the development will be the roof lights which will be uPVC in the colour grey. These will not match the existing windows on the dwelling; however, as these windows will be on the roof and at the rear, whilst visible from vantage points to the rear, they would not be readily viewable from the highway and therefore this proposal would not be prominent or cause an unacceptable impact on the street scene. The proposal would result in three roof lights on the west elevation of the property to allow for natural light into the loft conversion which shall feature a bedroom with an en-suite and a set of stairs to provide access. As such, the bedroom on the first floor will be slightly reduced in size to accommodate these stairs to the second floor. The size of the loft will be approximately 5.42m by 4.75m, this shall be enough room for the residents to use the area as a habitable room.

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.

Impact on Residential Amenity/Land Users

Paragraph 130 of the National Planning Policy Framework (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.

There will be no significant external change to the host dwelling, that could result in any overshadowing or unacceptable adverse impact on the residents of nearby neighbouring properties. Furthermore, the positioning of the dwellings also helps to benefit this. There will also be no issues surrounding overlooking, as the proposed windows shall be rooflights and therefore this will not provide a direct view into the neighbouring properties and shall not result in an unacceptable impact through a loss of privacy.

As detailed above, 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. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (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.

The proposal comprises alterations to the host dwelling, which are predominantly internal, but include the provision of three rooflights within the existing roof slope. The resultant development would result in the creation of an additional bedroom; whoever, Lincolnshire County Council as Local Highway Authority have expressed no objections. it is considered that the proposal would not result in an unacceptable impact on highway safety.

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

Other Matters

It is important to note that as a fall back option, this development could be carried out through permitted development; however, in this instance there was a condition included on H20-1221-05 (the application to construct these houses) which stated that -

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out without the prior written approval of the Local Planning Authority:
(i) the erection of house extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;
(ii) alterations including the installation of replacement or additional windows or doors and the installation of roof windows;

Therefore, the installation of replacement or additional windows cannot be carried out under permitted development and therefore a householder application was needed in order for the works to be carried out. Based on what has been stated in the above categories of the report, the loft conversion with the addition of three new windows is considered to be acceptable.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, 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 inside 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 South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 2 & 3 of the South East Lincolnshire Local Plan, along with the identified sections contained within the National Planning Policy Framework. There 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.

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

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