

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H22-0570-24 **Applicant:** Mr R Scott
Proposal: Single storey rear extension to create a new lounge
Location: 8 Pentelow Way Weston Spalding
Terminal Date: 28th August 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

Section 12 - Achieving well designed and beautiful 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
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Description of Proposal

The proposal seeks planning permission for the erection of a single storey, flat roof, rear extension at 8 Pentelow Way. The extension would have a depth of 6000mm with a width of 5670mm. The extension would have a height of 2670mm. The extension would feature a projecting roof light,

along with two west facing doors and window. It is proposed that the brickwork and windows/doors would match the host, while black rubber is proposed for the flat roof.

Site Description

The site is within the settlement boundaries of Weston, as outlined within the South East Lincolnshire Local Plan, 2019. The site is located towards the north-west of the settlement, within a newer residential area. The property itself is a semi-detached dwelling, forming a T shape with its adjoining counterpart. The dwelling is constructed of mixed red brick, with dark grey windows and doors. Terracotta roof tiles are present.

Relevant History

H22-0886-20 - S73A. Residential Development of 1, 2, 3 and 4 bed houses and bungalows - approved under H22-0202-16. Modification of Condition 2 to allow amendments to previously approved plans. Approved 09/11/21.

H22-0231-20 - Modified Agreement. Modification of 106 Agreement to reduce level of affordable housing units from 33% to 25% (planning approval H22-0202-16). Approved 07/08/20.

H22-0424-20 - Modification of 106 Agreement to remove affordable housing provision - planning approval H22-0202-16. Refused 27/07/20.

H22-0620-19 - Residential development of 60 one, two, three and four bed houses and bungalows - approved under H22-0202-16. Amendments to show removal of GRP chimneys. Approved 03/07/19.

H22-0306-19 - Proposed Pumping Station. Approved 07/05/19.

H22-0070-19 - Details of external materials, design and position of external boxes, gas flues and soil vent pipes, boundary treatment and Management Plan for Public Open Space (Conditions 4, 5, 7 and 8 of H22-0202-16). Approved 23/04/19.

H22-0305-19 - Amendments to include re-positioning of Plots 37 and 38, garage to Plot 38 and parking to Plot 39 (approved 16/04/19)

H22-1071-18 - Details of Conditions 3, 6, 9, 12, 13, 14, 15 and 17 of H22-0202-16. Approved 13/12/18.

H22-0202-16 - Residential development of sixty 1, 2, 3 and 4 bedroom houses and bungalows. Approved 21/08/17.

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:

Highway and Lead Local Flood Authority

"Comments: The proposal is for a single storey rear extension to create a new lounge. The extension is at the rear and will not have any impact on the access or parking therefore it will not have an adverse impact on the public highway"

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, one letter of objection has been received.

This can be summarised as:

- Concerns regarding the removal of existing fence
- Loss of privacy during construction

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.

As the site is within Spalding, development within this location is considered appropriate. In any event, the proposal solely relates to the extension of an existing and established residential dwelling and therefore, the principle of such development is considered to be appropriate, comprising an appropriate form of development for the location.

As such, the proposal is considered to be in accordance with the requirements of the SELLP when viewed in principle. This is subject to the assessment against site specific criteria; including (but not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, and impact on highway safety, which are discussed in turn in the following sections.

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. Developments 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, 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 extension would not be readily visible from the street; and therefore, the impact upon the character is low. Moreover, the use of matching materials further reduces the potential impacts of the development. The proposed scale of development would be subservient to the host, reducing any impacts further.

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 proposal would result in some loss of light to the neighbouring dwelling, due to the proximity to the adjacent rear doors. That being said, these doors connect onto a kitchen/dining room. While it is acknowledged that this room would be used fairly often, from a planning perspective the impact is not considered to be significant to warrant refusal. This room would primarily be used during the evening during the preparation of meals, and therefore, due to the east-west orientation of the buildings, the shadow created by the proposed extension at this time would be relatively low. Therefore, the impacts of the development would not be considered to be overly detrimental. Additional windows are present in the kitchen to ensure light could enter regardless.

It is of note that the site benefits from the full suite of Permitted Development Rights. As such, a comparable scheme of height 2.5 metres could be constructed under the provisions of the General Permitted Development Order, subject to a prior approval submission. This is deemed to be a material consideration. The proposal is 2670mm in height. While it is accepted that the proposal would reduce the light entering the rear doors of 2 Balderson Court, it is not considered that the additional 170mm, when compared to Permitted Development, would significantly increase the overshadowing impact of the development.

The proposed skylight would be located at an angle of between 20 and 40 degrees from first floor south facing window of 2 Balderson Court. At the distances proposed, views could be obtained both into the proposed extension from the neighbouring dwelling and into said neighbouring dwelling. Therefore, the tangible risk of increased overlooking is significantly reduced.

The concerns raised regarding the loss of the fence would only impact upon the neighbouring property during the construction phase of the development. As such, the tangible impacts of this would be relatively low and short lived. In most instances, fencing can be removed under permitted development rights also. As such, the weight given to this point is reduced.

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.

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

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

Recommendation

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