DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H22-0772-23**	**Applicant:**	**Mr D Osborn**
Proposal:	Proposed rear extension and alterations (part retrospective) - re-submission of H22-1098-22		
Location:	45 Austendyke Road Weston Hills Spalding		
Terminal Date:	20th October 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 12 - Achieving well designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

The proposal seeks full planning permission for a proposed read extension and alterations. The proposal is a resubmission of H22-1098-22, with the only alteration to the approved scheme being the addition of a pitched roof.

The proposal would have a height of approximately 4600mm. This represents an increase in height

of approximately 1800mm over the previously approved flat roof or an increase of approximately 1100mm over the existing pitched roof.

No other changes to the scheme approved under H22-1098-22 are proposed; the materials will still be consistent with those already present and the width and depth will remain at 6600mm and 10300mm respectively.

Site Description

The site is within the settlement boundaries of Weston Hills, as outlined within the South-East Lincolnshire Local Plan, 2019. It comprises a detached bungalow. The bungalow has a white render finish with dark grey roof tiles. The site backs onto open countryside. There is a watercourse to the rear of the site. The front of the site is gravelled providing off-street parking provision for several vehicles. The immediate area is primarily residential comprising a mixture of bungalows and two storey dwellings of varying designs and sizes.

Relevant History

H22-1098-22 - Full. Proposed rear extension and alterations. Approved 24/01/23.

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:

South Holland Internal Draiange Board

Draw attention for the need to comply with their byelaws. It is recommended that the applicant contact the Internal Drainage Board directly to discuss the potential need for land drainage consent.

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 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 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, 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 principle of development was established under the previous application. As before, the site is within the Weston Hills settlement boundary and the proposed extension would be sited within the residential curtilage of the existing dwelling. Therefore, the principle of extending the existing dwellinghouse is acceptable.

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

Section 12 of the NPPF, "Achieving well-designed places", states that " 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, 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 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 be located to the rear of the dwelling, reducing the potential impact upon the street scene. That being said, the proposed change to the pitched roof would bring the design of the extension more in keeping with the established character of the bungalow and the wider area. Flat roofs are uncommon in the area and therefore the addition of the pitched roof will enhance the aesthetics of the property.

No other changes to the previously approved scheme are proposed. The brick work and tiles would match the host dwelling, ensuring visual continuity is maintained. The plot and dwelling are large enough as to comfortably accommodate the extension, while still ensuring it appears visually subservient to the host.

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 130 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 not exacerbate any overlooking concerns. No new windows are proposed in this revised scheme. The windows on the east elevation which were approved under H22-1098-22 will be retained. As discussed in the previous assessment, these windows would offer no views of the adjacent dwelling due to the significant boundary treatments present.

The proposed increase in height would not lead to an unacceptable increase in overshadowing. Any potential overshadowing would fall upon the windowless outbuildings present on the adjacent property. As such, the tangible impacts of the proposal are low.

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.

Drainage

The proposed change in roof design would not exacerbate any drainage concerns raised under H22-1098-22, and therefore, the proposal is still considered acceptable in terms of drainage.

No drainage strategy has been submitted as part of this proposal. As per H22-1098-22, it is recommended that the applicant discuss the proposal with South Holland Internal Drainage Board prior to the commencement of the development in order to ensure conformity with their byelaws.

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 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 2, 3 and 4 of the SELLP, as well as Sections 12 and 14 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.

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.