DECISION DELEGATED TO HEAD OF PLANNING

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|---|---|---|---|
| **Application No:** | **H23-0027-24** | **Applicant:** | **S Stafford** |
| **Proposal:** | Two Storey Extension & Internal Alterations | | |
| **Location:** | 56 Mill Lane Whaplode Spalding | | |
| **Terminal Date:** | 12th March 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 | 0 | 0 | 0 |
| WARD MEMBER | 0 | 0 | 0 | 0 |
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |

CASE OFFICER ASSESSMENT

**Proposal**

This is a householder application seeking permission for a two storey extension and internal alterations at 56 Mill Lame, Whaplode.

**Site Description**

The site is located within the defined settlement boundaries of Whaplode as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). 56 Mill Lane is part of five sets of semi-detached properties along Mill Lane all of which are identical in design, style and size - there are other

dwellings within the immediate area that are of a different design within the large built up area just off the A151 leading to Holbeach from Spalding.

## History

No relevant planning history.

## Consultation Responses

Lincolnshire County Council Highways Authority

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Comments:

The proposal is for a two storey extension & internal alterations. The extension will result in an increase in bedrooms from 3 to 4. The parking and access will not be affected and there is sufficient parking for a 4 bed dwelling. The proposal will not have an adverse impact on the public highway.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

B]Key Planning Considerations

The main issues and considerations in this case are (but not limited to):

- Layout, design and impact on the character of the area
- Impact on neighbouring residents/ land users/ land use

## 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 (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 for the extension will match the existing throughout, by being in keeping with the host dwelling it also ensures it matches the other dwellings in the area and no visual discrepancies will arise.

The extension shall protrude from the principal elevation by around 3800mm and has a total length of 4500mm, from the side it will project by around 2700mm and run the full width of the house being 6200mm. It will be level to the eaves of the host dwelling (approximately 5100mm), the front extensions ridge height is dropped in comparison to the existing being 7500mm with the side extension being level at 8000mm. The design will use a gable roof which is also in keeping with the host dwelling and other properties along Mill Lane. By incorporating a two storey extension to the front of the property this will cause an unacceptable harm to the street scene and locality - as this property is part of a set of five identical semi-detached properties this significant change will make it appear incongruous to its surroundings and set an unacceptable precedent for the area. It therefore directly conflicts with Policies 2 and 3 of the SELLP and Section 12 of the NPPF and should be refused.

As part of the development being carried out there will be some internal and external alterations. The front section of the extension will act primarily as a lounge coming off the entrance hall adjacent to this, the existing hall will now be a utility and boot room with the access door being blocked up and relocated. The existing kitchen shall be the new entrance area with the kitchen being repositioned to be where the lounge is currently with an open plan family/ dining area also, the dining room shall act as a playroom. The side section currently features a lobby, utility and WC this will be extended due to the side section of the extension and will provide additional room for the kitchen and entrance area with a WC too. On the first floor the two rear bedrooms will remain unchanged with the main changes taking places towards the front to accommodate the larger two storey front extension; the larger front bedroom will be altered and converted to a shared bathroom as the existing bathroom will be removed to allow for access into the side extension which shall be a new bedroom, as well as this a new bedroom will be set to the front with access via the old bathroom. Many of these internal alterations do not necessarily require planning permission but have been shown in the plans and therefore mentioned within the report.

It is considered unacceptable due to its location along Mill Lane with the property being identical with five other sets of semi-detached properties. The two storey front extension will appear incongruous and set a harmful precedent. Therefore, the design and location of the two storey front extension causes an adverse impact on the character and street scene, this is in direct conflict to 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 will be overlooking through this development however it will not be a material increase due to the fact that there are existing windows for habitable rooms along the front elevation that already provide a view into the rear garden of No. 55. Despite projecting the front elevation forward by 3800mm it will not increase the loss of privacy due to the existing layout. Additionally, the windows on the rear elevation already have views into neighbouring properties due to two bedrooms being located to the rear; the extension to the side proposes an extra bedroom with one window facing this direction and therefore there should be no new issues and no material increase in loss of privacy to both the front and rear.

In regard to overshadowing, a shadow shall be cast from the front extension to the front garden/ drive of the host property and No. 54. This is not considered to be a material loss of light and potentially will be no more significant than the existing property due to the ridge height being dropped slightly in proportion to the existing ridge level. Furthermore, a similar thing can be said for the side extension as the only shadow that could be cast will also be on the front garden/ drive for No. 54 and a potential for a shadow to the hosts rear garden. The positioning means that no shadow will be cast onto the rear garden of any neighbouring property. It is therefore considered that the potential for a shadow to be cast will be insignificant and not material.

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.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 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.

Further, policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least three spaces for dwellings with four or more bedrooms. Following the development being carried out there will be an additional bedroom to take the dwelling from three to four, the drive to the front has adequate room to support up to three vehicles and therefore it will cause no harm to the highway. Lincolnshire County Council Highways Authority stated in their comments that they have no objections and that 'The parking and access will not be affected and there is sufficient parking for a four bed dwelling. The proposal will not have an adverse impact on the public highway'.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National

Planning Policy Framework (December 2023).

## 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 inappropriate development within the defined settlement boundary. The development hereby proposed materially harms the character and appearance of the locality due to the inappropriate design and location of the two storey front extension. There is no material harm on the amenity of nearby residents and it causes no unacceptable impact on the highway. The development therefore does not conform with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, this is a material consideration that weighs significantly against the proposal and as such, the planning balance against 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 into consideration these factors, the proposal is considered to conflict with Policies 2 & 3 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections

contained within the National Planning Policy Framework (NPFF) (December 2023). The design concern and the harm to the street scene are considered to be significant factors in this case that indicate against the proposal and outweigh the consideration against the proposal and the policies referred to above.

## Recommendation

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