

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0084-24 **Applicant:** Mr A Box

Proposal: Proposed Side & Rear Extension & Alterations - resubmission of H23-0968-23

Location: 3 Mill Lane Whaplode Spalding

Terminal Date: 28th March 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

National Guidance

National Planning Policy Framework 2023

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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder resubmission application seeking permission for a proposed side and rear extension and alterations at 3 Mill Lane, Whaplode.

This application is a re-submission of application reference H23-0968-23 which was refused for the following reason:

Policy 2 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses. Policy 3 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) states that development proposals will demonstrate how an acceptable design of development including residential amenity will be secured. Policy 30 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) states that development proposals will not be permitted where they would lead to unacceptable adverse impacts on the amenities of the area. Paragraph 135 of the National Planning Policy Framework (NPPF, December 2023) states that decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and 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. Finally, Paragraph 134 of the National Planning Policy Framework (NPPF, December 2023) states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

The proposal, by virtue of its size would result in unacceptable adverse impacts on the character and appearance of the street scene due to it appearing disproportionate to the host dwelling. The closeness to the boundary alongside the sheer size of the development would make it appear overbearing and cause direct and significant overshadowing and significant loss of light onto the direct neighbouring property into their habitable rooms. The proposal would be contrary to Policies 2 & 3 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) and the guidance within the National Planning Policy Framework (NPPF, December 2023) and is therefore refused.

Site Description

The site lies within the defined settlement boundary of Whaplode as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). No. 3 Mill Lane is made of red bricks on the front elevation with rendering on all other elevation, the small rear section appears to be made from cladding on the lower half and uPVC frames on the top. There is a small shed in the rear garden along the western elevation.

History

H23-0014-99 - Use of shed for the sale of fruit and vegetables - Approved

H23-0968-23 - Proposed Side & Rear Extension & Alterations - Refused

Consultation Responses

South Holland Internal Drainage Board

No comments.

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 side & rear extension & alterations - resubmission of H23-0968-23. As previously, there will be no increase bedroom numbers therefore no further parking requirement. The access and parking will remain unchanged and will therefore not have an adverse impact on the public highway.

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.

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

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 will match the existing throughout, this ensures the design is in keeping with the host dwelling and no visual discrepancies will arise. The design features a gable roof across all elevations to match the existing roof as well as others in the immediate area - from the front elevation the roof tiles can be seen from the highway as existing where as from the rear the gable end will be visible, this is due to the positioning of the projection. The design of this extension is therefore considered to be acceptable and its features and materials are similar to the host dwelling.

The side section of the extension protrudes by 3000mm and has a total length of 9200mm running the full length of the dwelling including the rear extension. The rear extension will project from around 3600mm and has a width of 7200mm coming level with the rear most point of the side extension. On the first floor the extension as a whole is slightly smaller, it will come from the side elevation by around 1900mm (around 1000mm less than the ground floor section) and has a length of 5600mm. It will be 3600mm from the rear elevation projecting further back than the length of the side extension with a width of 4250mm.

The height of the existing dwelling is as follows - 4300mm to the eaves and 6300mm to the ridge. The side section has a higher and lower part in regard to the eaves and ridge, at the lower point it will come to around half the height of the dwelling sitting at 2100mm (eaves) and 2600mm (ridge), the eaves of the higher sides extension are similar in height to this. At its highest point the ridge will be slightly higher than the existing eaves (5400mm). To the rear the height of the eaves will be level with the side extension where as the ridge height is slightly taller at 5700mm, the smaller part of the side section slopes up towards the rear part. The height of these extensions appear to be subordinate to the host dwelling due to the ridge being dropped, this therefore makes it appear more acceptable and proportionate.

To combat the reason for refusal the height of the side extension has been dropped by around 800mm and the main bulk of the extension no longer runs to the rear as much whilst being of the same height. Therefore, there is only 5700mm of the extension being 5400mm in height where as before there was 5700mm of extension at 6200mm in height. These changes make the development more proportionate and therefore does not harm the street scene or character of the area as much as the previous application and conforms with Policies 2 and 3 of the SELLP.

As part of the development being carried out there will be some alterations throughout, the existing store and bathroom will be demolished to make way for the new side extension, this shall now be a large entrance hall with the new location for the stairs. The lounge adjacent to this room will have its existing entrance blocked up. The existing kitchen will now become a dining area which is sited between the lounge and new kitchen to the rear, the rear conservatory is to be demolished and the new rear extension will house the kitchen and utility. On the first floor the front bedroom will remain unaltered whilst the main extension will convert the rear bedroom into a smaller room to act as a shared bathroom with a bedroom at the rear. Many of these alterations do not necessarily require planning permission but have been shown on the plans and thus mentioned in the report.

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 (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.

Part of the reason for refusal on the previous application stated that 'The closeness to the boundary

alongside the sheer size of the development would make it appear overbearing and cause direct and significant overshadowing and significant loss of light onto the direct neighbouring property into their habitable rooms'. To combat the previous overshadowing issues the new design has been dropped in height and the distance to the boundaries has slightly increased, the previous distances were 0.43m at the front and 0.3m to the rear with the new ones being 0.6m, 0.58m and 0.5m (front to rear). Whilst the new distances aren't significant in comparison to the previous application they have increased, this partnered with the drop in height from 6200mm to 5400mm will help reduce the overshadowing issues. Furthermore, the highest part of the extension is over a metre away from the boundary with the smaller section being 0.6m, by doing this it also helps reduce any potential for overshadowing. Overall, there is not considered to be a material or significant level of overshadowing following this development being carried out particularly in comparison to the previous application.

A new window shall be located on the side elevation of the ground floor part of the extension, any view that could arise from this window would be limited due to existing side elevation fences and no significant loss of privacy will occur. The rear elevation will of course be extended out and the existing window on this side will slightly repositioned to the centre, the land to the rear of the property is a public highway with a driveway for the neighbouring dwelling therefore these are not amenity spaces. In any case, as there is already a window here any view of a neighbouring site it could provide would not be any worse than the existing. There shall be a rooflight on the front elevation, this window will operate for a bedroom however will face the public highway.

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 two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The property shall remain with two bedrooms despite the extension taking place, as such there is no extra spaces needed for the property. LCC Highways raised no objection to the development stating 'As previously, there will be no increase bedroom numbers therefore no further parking requirement. The access and parking will remain unchanged and will therefore not have an adverse impact on the public highway'.

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, and causes no unacceptable impact on the highway, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, there are no material considerations that weigh significantly against the proposal and as such, the planning balance is in favour of 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 comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023). 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.

Recommendation

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