DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0294-24**	**Applicant:**	**S Stafford**
Proposal:	Two Storey Extension & Internal Alterations - Resubmission of H23-0027-24		
Location:	56 Mill Lane Whaplode Spalding		
Terminal Date:	30th May 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 9 - Promoting sustainable transport
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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

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

This application is a re-submission following the refusal of application reference H23-0027-24, which sought permission for a two storey side extension and a two storey extension to the front of the host dwelling.

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

H23-0027-24 - Two Storey Extension & Internal Alterations - Refused

H23-0027-24 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 design, size and positioning will result in an unacceptable impact on the character and appearance of the street scene due to it being located at the front of the dwelling and being two storey in nature. The host property is identical to the set of five semi-detached properties along this section of Mill Lane and therefore by featuring such an extension forward of the principal elevation it will make the dwelling appear incongruous and set a harmful precedent.

The Local Planning Authority therefore take the view that the two storey front extension would make the proposal appear out of character and incongruous when compared to existing properties in this area and if carried out it would cause drastic harm on the street scene and locality. It directly conflicts with Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP, 2019) and Section 12 of the National Planning Policy Framework (NPPF, December 2023) and is refused

Consultation Responses

South Holland Internal Drainage Board

No comments.

Lincolnshire County Council Highways Authority

Recommendation:

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 parking and access will not be affected and there is sufficient parking for the proposal. 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.

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, no letters of representation have been received.

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 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.

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 dwelling 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 side elevation by around 2700mm and have a width of 6200mm, running the full depth of the existing dwelling. The propsoed extension comprises a ridge and eaves height that would match that of the existing host dwelling, being approximately 8000mm (ridge) and 5100mm (eaves). The design will use a gable roof which is also in keeping with the host dwelling and other properties along Mill Lane.

The previous application on site comprised a side extension that largely reflects that hereby propsoed. Whilst being refused, this aspect of the proposal was not the significant determinate factor and no significant concern was raised surrounding this proposed addition.

Overall, it is considered that the size and design of the side extension is acceptable and proportionate and should not cause any harm to the street scene or locality.

As part of the development being carried out, there would also be internal and external alterations. On the ground floor the conservatory to the rear will be removed, which is not considered to cause an adverse impact. Internally, the propsoed plans illustrate a relocation of rooms, internal structural alterations and alterations to the ground floor fenestration. Many of these alterations do not require planning permission but have been shown in the plans and therefore mentioned within the report. It is not considered that any harm is caused through the changes.

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. Following the removal of the two storey front extension the development would now 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.

The proposed extension would project beyond the side elevation of the host dwelling and as such, particularly when taking account of the first floor, the seperation to the immediately neighbouring property would be reduced. The extension would comprise first floor windows which would provide a vantage towards the neighbouring properties; however, these windows are located to the front and rear elevations, and as such, would not reuslt in a significant increase in overlooking given the exisitng first floor window arrangements, with he windows on the rear elevation already have views into neighbouring properties due to two bedrooms being located to the rear. No windows are proposed, at first floor level, to the side elevation. Overall, despite there being the potential for overlooking this would not be a material increase as there is already an existing level of overlooking and therefore there should be no increase in harm from this.

Furthermore, there could be some shadow cast by the side extension, as the only shadow that could be cast will be on the front garden/ drive for No. 54 and a potential for a shadow to the hosts rear garden. It is therefore considered that the potential for a shadow to be cast will be not be significant and as such, this would not warrent refusal in this instance.

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 current dwelling features a total of three bedrooms with the extension not changing the amount of dwellings but increasing the floor space for one. As such, there will not need to be an increase in parking spaces on site as there is already enough room to store up to two vehicles. Lincolnshire County Council Highways were consulted on this application to ensure that there would be no harm on the highway with their comments stating 'The proposal is for a two storey extension & internal alterations. The parking and access will not be affected and there is sufficient parking for the proposal. 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 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 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 through overlooking or overshadowing. It 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 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 the above considerations into account, the proposal is considered to be in accordance with Policies 2, 3 and 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023). The 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.