DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0375-24**	**Applicant:**	**Miss I Roberts & Mr H Harris**
Proposal:	Demolition of existing single storey side & rear extensions and construction of two storey side extension and detached single garage		
Location:	8 Hagbeach Gate Whaplode Spalding		
Terminal Date:	5th July 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 12- Achieving well-designed and beautiful places.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application site is a two storey semi detached dwelling located on Hagbeach Gate in Whaplode. The site is in a rural location with neighbouring dwelling to the north, with open fields to the east, south and west.

Site Description

This is a householder application, seeking permission for the erection of a two storey side extension and a single storey detached garage to 8 Hagbeach Gate in Whaplode. The extension will be constructed of facing brickwork and roof tiles to match the existing.

History

No relevant planning history.

Consultation Responses

Initial Responses Received (Consultation period between 26th April 2024 - 18th May 2024)

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:

Whaplode Parish Council

No comment

Internal Drainage Board

Thank you for your consultation on planning application H23-0375-24. Having screened the application, whilst the site in question lies within the Internal Drainage District of the South Holland Internal Drainage Board the proposed application does not meet our threshold for commenting as per our Planning and Byelaw Strategy. Therefore, the Board has no comments to make.

Whilst the site falls below our threshold for commenting, I'd like to ensure the applicant is aware of the riparian watercourse adjacent to the site and the associated riparian responsibilities. Guidance on owning a watercourse is available on the Government website https://www.gov.uk/guidance/owning-a-watercourse. Please note that consent would be required from the Board for any alterations or discharges to a watercourse, more information can be found on our website - https://www.wlma.org.uk/.

LCC Highway and Lead Local Flood Authority

Requested the following further information.

The access to the southern boundary is evident that it has been use for a long time but it is not a formally constructed access and will need upgrading to Lincolnshire County Council Specification. A note should be added to the proposed layout drawing to reiterate this.

Responses Received within Re-consultation (Consultation period between 19h June 2024 - 29th June 2024)

LCC Highway and Lead Local Flood Authority

Recommendation: No Objections
The proposal is for the demolition of an existing single storey side & rear extensions and construction of two storey side extension and detached single garage. The extension will extend a 2 bed to 4 bed property and there is sufficient parking. Because there would be an increase in parking demand due to the bedroom increase we could justify the access upgrades. The access to the southern boundary although it has been use for a long time is not a formally constructed access and will need upgrading to Lincolnshire County Council Specification. Visibility here is not very good but this has clearly been in use for a long time. Vehicle speeds will be low and there is no accident data in the vicinity of the access. The proposal will not exacerbate any highway safety issues. 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.

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 (December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that 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 housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework 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 in respect of sustainable development 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 in terms of sustainability.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within the Countryside, development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

The application site in this instance outside any defined settlement boundaries as detailed by Policy 1 and therefore is classed as within the Countryside. However, as the application is for an extension within the curtilage of an existing residential dwelling the principle of the site has already been established.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows.

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 proposal comprises of a two storey side extension to the southern side of the existing dwelling. The extension has been designed to consists of a hipped roof and would be a subordinate addition. The proposal also comprises materials that would match those of the host dwelling or be similar in appearance. This would ensure that the extension, by way of materials, would be in keeping with the host dwelling and surrounding area.
The proposal also includes the erection of a detached garage. The garage would be located along the western boundary and would be accessed via a new access point along the southern boundary. The garage would be single storey and would be constructed with materials that would match those of the host dwelling.
It is considered that it would not materially harm the street scene or the character or appearance of the surrounding area. Overall, the size and external appearance of the proposal would not be at odds with the existing dwelling on the site or the immediate area.

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.

To the first floor, proposed windows are situated to the front elevation and to the rear. It is considered that the proposed windows will not have a detrimental impact upon overlooking, as the proposed windows are to the front and rear of the property, with no side facing windows proposed. The proposed extension is not deemed to have a material adverse impact in terms of being overbearing or causing undue overshadowing of neighbouring properties.

There is no neighbouring dwelling to the south of the host dwelling, and therefore there would be no loss of light or impact any neighbours to the south directly adjacent the extension.

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 application proposes the demolition of an existing single storey side and rear extensions and construction of two storey side extension and detached single garage. The proposed extension would extend a 2 bed to 4 bed property, however, there is sufficient parking within the site for three spaces. LCC Highways have confirmed that "because there would be an increase in parking demand due to the bedroom increase, we could justify the access upgrades. The access to the southern boundary although it has been used for a long time is not a formally constructed access and will need upgrading to Lincolnshire County Council Specification. Visibility here is not very good but this has clearly been in use for a long time. Vehicle speeds will be low and there is no accident data in the vicinity of the access. The proposal will not exacerbate any highway safety issues." The proposal is therefore, not considered to give rise to an unacceptable impact in this regard, and therefore on balance it is considered that there will not be an unacceptable impact to the 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 proposed two storey side extension and detached garage would not materially harm the character or appearance of the locality or amenity of nearby residents. It is therefore considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 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, 28 and 31 of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPFF) (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.