DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H23-0842-20**	**Applicant:**	**Mr & Mrs P Walton**
Proposal:	Proposed single storey/first floor extensions to dwelling		
Location:	Dale Cottage 9 Mill Lane Whaplode		
Terminal Date:	13th February 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

National Guidance

National Planning Policy Framework 2019

Paragraph 127 (Section 12. Achieving well-designed places)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
RESIDENTS	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is a householder planning application that seeks permission for proposed single storey/first floor extensions to Dale Cottage, 9 Mill Lane, Whaplode, Spalding.

Site Description

The site is within the built-up area of Whaplode. A range of house types, ages, desing and appearances has been observed on the street scene.

Dale Cottage is a semi-detached two-storey dwellinghouse paired with Oak Cottage (No. 7) immediately to the west. Both buildings were likely built late C19 - early C20 and might be formerly one single building. Subsequent alterations have made over the years per each dwellinghouse. The application property was significantly extended to the side and in a smaller extent to the rear (H23-0869-13).

The patter of development is linear development although it is highly varied with regards to boundary lines and site accesses. Each site has been individually designed in the vicinity. Dale Cottage and the adjacent Oak Cottage are accessed from Mill Lane and their footprints are in very close proximity to this highway. The rear garden extends to the north and the garages/parking area is made on Middle Road.

The boundary lines of Dale Cottage shape an irregular curtilage. The boundaries at the core of the plot are visibly set at an angle towards north-west. No. 6 Middle Road is the other adjacent property immediately adjacent to the east. It is accessed from Middle Road and the nearest wall of the building to Dale Cottage is the rear elevation.

History

H23-0869-13 - Proposed side and rear extensions - Approved

Consultation Responses

Members of the public

Two residents have made their representations raising the following issues:

-The proposed extension would cause overlooking and overshadowing effect to one of the adjacent plots.
-It would lead to a cumulative impact as the two-storey side extension already harmed the residential amenity of the nearest neighbours.
-Further details should be provided to clarify how structural works and drainage would have impact onto one of the adjacent plots.

Planning Considerations

Principle of development

The site is within the settlement boundaries of Whaplode as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Irrespective of spatial strategy considerations, the principle of developing a house extension that is incidental to the enjoyment of a dwelling house is acceptable.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 establishes that planning policies and 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 and sympathetic to local character and history, including the surrounding built environment and landscape setting.

Likewise, Policy 3 of the SELLP states 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. More specifically, Policy 2 sets out that considerations should be met about size, scale, layout and quality of design and orientation, among other factors, in order to grant permission for proposals.

The current rear extension hosting the kitchen would remain. The proposals would represent a 3-metre single-storey enlargement to this existing element. A first-floor enlargement is also intended above the existing rear element. Each extension would be subservient in terms of height to the bulk which they are protruding from. The footprint of the proposed extensions would be significant but,

on balance, it would be still commensurate with the scale, mass and bulk of the host property.

The proposed ground floor extension would be used as a garden room. The rear wall of the current extension would be partially demolished to ensure access with the kitchen. The intended first-floor extension would allow the householder to gain further floorspace for an additional bedroom. Internal alteration would be made accordingly to merge the new space with the existing floor layout. The aim of the development would meet the increasing needs of the householders and its purpose would be residential in keeping with the current use of the whole building.

The ground floor extension would be flat roofed which would relate well with the low pitched lean-to rear element. The upward extension would replicate the gable pitch layout of the main roof. With regards to the external appearance of the proposals, the material schedule is such that the external walls, roof tiles and joinery would match those in the host property.

Residential amenity

In this regard, Paragraph 127 of National Planning Policy Framework (NPPF), 2019 sets out that planning decisions should create places that promote health and well-being, with a high standard of amenity for existing and future users.

Following that, Policy 2 of SELLP 2019 establishes that considerations should be met about the relationship to existing development and land uses in order to grant permission. Residential amenity is one of the criteria to ensure high quality and inclusive design and layout in accordance with Policy 3.

The proposals would extend the ground-floor footprint to the rear of the plot and, most importantly, also the first-floor footprint which in turn would create a two-storey element at the rear of the property.

Dale Cottage is a semi-detached property and proposals for two-storey rear extensions need to be carefully assessed in terms of impact upon the amenity standards.

The first-floor extension would protrude 3.70 metres from the original rear wall of the dwellinghouse and set back approximately 1.50 metres from the boundary with Oak Cottage (No. 7), the other semi-detached property. The maximum height would be 6.25 metres.

The protrusion of the two-storey element would be such that the 45-degree sightline would not be respected from the rear windows of Oak Cottage. The planning history of this adjacent property has been reviewed and it is confirmed that the first-floor window is for a bathroom and a kitchen is inside the lean-to on the ground floor. None of them therefore are currently habitable spaces but the proposals would obstruct daylight on the rear garden once they have been undertaken and also erode the householder right to erect a conservatory, sunroom or any similar space in the future where the enjoyment of daylight would be essential. The location of both properties within the sun path and height of the upward extension is such that overshadowing would be casted from the proposed development onto the rear garden of Oak Cotttage.

The relationship of the proposals with the adjacent property to the east (No. 6 Middle Road) is also conflictive.

The nearest distance of the two-storey element footprint is only 1.10 metres with the eastern boundary, and approximately 5 metres with No. 6 Middle Road. Both buildings are set at angle. The window of the additional bedroom within the first-floor extension would face directly to the western side of No. 6 Middle Road rather than the own garden of Dale Cottage given the irregular boundaries of the sites and relationship between buildings. The rear-to-rear separation distance would be sufficient to allow some degree of overlooking effect between first-floor windows.

Furthermore, the bulk of the resulting two-storey element and its close proximity to No. 6 Middle Road would appear oppressive to the occupiers of this adjacent dwellinghouse. The sense of enclosure would be noticeable especially when enjoying the rear garden which the proposed extension is adjoining. No significant overshadowing is anticipated though. The garden of No. 6 Middle Road is sufficiently spacious, and the two-storey bulk to the west of the garden would only cast overshadowing onto No. 6 at late hours of the day.

Car parking provision

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class of the new development.

The additional bedroom would increase the total number of bedrooms from 3 to 4. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

No details of car parking spaces have been indicated in the application form neither shown on the proposed block plan. Moreover, after conduction a site inspection, it is case officer's opinion that there are insufficient arrangements to accommodate three car parking spaces in a safe and convenient manner.

Planning balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The scale and height of the extensions would be commensurate with the host property. The form of development and external appearance would be sympathetic with the existing fabric of the property. However, the footprint of the development would be at such proximity with the adjoining properties that the height and bulk would appear obstructive to their occupiers.

The 45-degree rule thumb is not respected from the centre line of the ground floor rear openings in Oak Cottage (No. 7). Although this fenestration is for non-habitable rooms, the proposals would erode the householder right to erect a conservatory, sunroom or any similar space to the rear wall of Oak Cottage where the enjoyment of daylight would be essential.

The two-storey bulk of the proposals would exacerbate a sense of enclosure especially when occupiers of No. 6 Middle Road would enjoy the rear garden where the proposed extension is adjoining. Furthermore, the rear-to-rear separation distance between the development footprint and No. 6 Middle Road is not significant insofar as there would some degree of overlooking effect between first-floor windows.

The proposals would increase the number of bedrooms from 3 to 4. No details of car parking arrangements have been submitted and on-street parking should be prevented. Further demand on car parking might be met with appropriate space provision within the curtilage.

On balance, any adverse impacts of granting permission to the proposals would significantly and demonstrably outweigh the benefits, when assessed against the planning policies taken as a whole.

Conclusion

Taking into account the considerations above, the proposed development fails to comply with Policies 2, 3, 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019; and Paragraph 127 of the National Planning Policy Framework (NPFF), 2019.

It is accordingly recommended to approve this planning application via delegated powers.

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.