

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0968-23 **Applicant:** Mr A Box
Proposal: Proposed Side & Rear Extension & Alterations
Location: 3 Mill Lane Whaplode Spalding
Terminal Date: 27th December 2023

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

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

Consultation Responses

Lincolnshire County Council Highways Authority

No objection -

The dwelling, following the construction of the extensions being proposed in this Application, will still retain the property's existing vehicle access crossing and the driveway on the eastern side of the plot. Whilst it is not possible to include any vehicle manoeuvring space within the plot, this is no different to the property's existing arrangement.

In consideration of the above and 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 and therefore does not wish to object to this planning application.

South Holland Internal Drainage Board

No comments.

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, there have been no letters of representation.

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 (2023) specifically relates to 'Achieving well-designed 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 130 of the National Planning Policy Framework (NPPF), 2023 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, that they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 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. 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.

The materials used on the extension will match the existing dwelling, this benefits this scheme as it means no visual discrepancies will arise due to it being in keeping with the dwelling. The design features a gable roof to match the existing roof on the dwelling as well as others in the immediate area, the new front door features two thin glass windows on either side purely for design purposes. The rear extension will feature a flat roof, this is not commonly favourable to LPAs however as it shall be at the rear it will be acceptable as its harm on the street scene will be limited. The design of this extension is therefore considered to be acceptable and its features and materials are similar to the main dwelling.

Internally, the existing kitchen shall now act as a dining room with the new kitchen being located at the rear within the extension. Along the side elevation the store and bath shall be demolished and replaced by a large entrance hall with the stairs located in this area, at the rear the conservatory is to be demolished and replaced with the rear extension which shall feature the kitchen (as mentioned) and a utility adjacent to this. On the first floor it currently features two bedrooms with a staircase, the development makes room for an additional bedroom with the relocation of the stairs to form a landing. The rear bedroom will now act as a shared bathroom and slightly extended.

The rear section of the extension will protrude from the rear by around 3600mm with a width of 7300mm, as it is a flat roof the total height sits at around 2700mm. Additionally, the extension projects from the side elevation by around 3000mm with a total height making it level to the eaves and slightly shorter than the ridge of the existing house, it will be slightly set back from the principal elevation of the dwelling and of course protrude from the rear by the same amount of the rear extension. This gives it a full length of around 9200mm making it just over 1000mm longer than the existing length of the dwelling. When compared to the existing measurements this increase in floor space and the overall size of the development makes it rather substantial. The existing ground floor space is around 45 metre squared with the first floor being 27.5, the extension now means the ground floor internal floor space is 72 metres square with the first floor being 45. This works out at an increase of 60% on the ground floor and 63% on the first floor, these increases are therefore considered to be significant and substantial and therefore not proportionate when compared to the host dwelling. As such, this scheme conflicts with policies 2 and 3 of the SELLP and the relevant guidance set out within the NPPF.

Impact on Residential Amenity/Land Users

Paragraph 130 of the National Planning Policy Framework (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.

There should be no material overlooking that occurs following this development taking place, within the rear extension there is a window on the ground floor side elevation facing No. 5, however, any view this could provide would be limited due to the existing boundary treatments in this area. Similarly, there are existing windows here already so there should be no new issues. Alongside this, there shall be windows facing the rear for the rear extension, again, there are windows here already too with existing boundary treatments also limiting any issues. It is therefore considered that all the windows on ground floor elevations are considered to be acceptable and not result in loss of privacy. On the first floor there shall be windows on both the front and rear elevation, the window at the front shall be used for a bedroom with the rear window being sited in the landing. The bedroom window should not result in a loss of privacy for any nearby neighbours due to it facing the highway with windows already featured on the front elevations, furthermore the landing is not classed as a habitable room and therefore any view it may provide would be limited. The development therefore should not result in a material loss of privacy following the addition of extra windows.

Due to the positioning and closeness to the boundary it is considered that there would be a shadow cast onto the western neighbour. There are side elevation windows on this neighbouring plot and therefore this could result in a loss of light to the first floor habitable rooms, it is however considered that there is a window allowing natural light into this room on the southern elevation, however this isn't confirmed as to the layout of the rooms of the neighbouring plot. Similarly, as mentioned this window is facing the south so it is not in direct sunlight to allow for the most natural light into the rooms.

Furthermore, there is a ground floor window on the southern elevation and due to the closeness of the development this would also cause a direct and significant impact upon the outlook and light for this potentially habitable room. It also appears that this is the sole window that allows light into this area.

It is therefore considered that due to the size of the extension, closeness to boundary and positioning of the plot, this would cause substantial and harmful material impacts on the outlook and amenity of key windows for habitable rooms. Alongside this, the extension would appear overbearing due to its size and it being situated on the boundary. The proposal is in direct conflict with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

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 or appearance of the locality or the amenity of nearby resident due to its size and closeness to the boundary and is therefore unacceptable. Overall, the development conflicts with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

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 conflict with Policies 2 and 3 of the SELLP, along with the identified sections contained within the NPPF. These are 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 refused under Delegated Authority.