

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-1021-21 **Applicant:** Mr & Mrs B Bell
Proposal: Proposed rear extension
Location: The Old Vicarage 24 Cobgate Whaplode
Terminal Date: 23rd November 2021

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
29	The Historic Environment

National Guidance

National Planning Policy Framework 2021

Section 1 -. Achieving well-designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for single storey rear extension to create a dining/sitting room. The extension would measure 6 metres (depth) x 7.2 metres (width). There would also be a small walkway measuring 1.9 metres (depth) x 1.3 metres (width) which would link the existing house and the proposed dining/sitting room. A balcony/decking area is proposed to the north and west of the proposed extension. The external materials would match the existing dwelling.

SITE DESCRIPTION

The application site comprises a large detached dwelling located on Cobgate, within the Whaplode settlement boundary. It sits on a very large plot and the site is enclosed by high level trees/planting. There are a number of TPO trees within the site boundary. A listed building is located to the north-east of the site.

RELEVANT PLANNING HISTORY

H23-0272-13 - Proposed extension and alterations incorporating a terraced area - Appeal dismissed

H23-0590-07 - Proposed two-storey office extension - Approved

H23-0630-00 - Detached garage - Approved

REPRESENTATIONS

Whaplode Parish Council

No comments.

South Holland Internal Drainage Board

If surface water discharge is proposed to a watercourse, works are proposed within 9 metres of the watercourse, if the applicant's proposals change to include works to alter the Board Adopted watercourse or if any alterations are proposed to a watercourse then the proposed development will require land drainage consent in line with the Board's byelaws.

PLANNING CONSIDERATIONS

Principle of development

The site is within the defined Whaplode settlement boundary and the proposed works would be sited within the residential curtilage of the existing dwelling therefore the principle of extending the existing dwellinghouse is acceptable.

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 key material considerations are addressed below.

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 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; 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, among other considerations. Section 16 of the NPPF states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

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. Policy 29 states that development proposals will conserve and enhance the character and appearance of designated and non-designated heritage assets including conservation areas.

It is considered that the proposed extension would not appear unduly incongruous within the street

scene and would not materially harm the character/appearance of the locality given there would be limited views of the proposed extension from the public realm. The materials would match the existing house therefore the development would be in keeping with the site.

The proposed extension is considered modest in size and considered to be proportionate to the existing dwelling and the plot. The site is big enough to comfortably accommodate the proposed extension without resulting in overdevelopment of the site and would also retain an adequate amount of outdoor amenity space. Its design is also considered in keeping with the existing dwelling. The proposed use of matching external materials to match the existing dwelling would ensure the extension is in keeping with the existing dwelling.

The proposed extension would be sited a significant distance from the adjacent listed building to the north-east and the majority of it would be blocked by the trees along the north-eastern boundary therefore no unacceptable impact is considered to result on the listed building or its setting.

As such the proposed development would comply with the aforementioned policies on design and impact upon the character of the local area and would preserve the character and appearance of the conservation area.

Impacts upon Residential Amenity

Given the proposed extension would sit well within the large plot and a significant distance from all neighbouring properties no unacceptable impact would result on neighbouring amenity. As such the proposal would accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Flood risk and drainage

Policy 4 of SELLP is concerned on flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

The site is within Flood Zone 1 and has no flood hazard in accordance with Environment Agency and South East Lincolnshire SFRA respectively.

South Holland Internal Drainage Board has not raised any objections but have advised that should surface water be discharged a watercourse or any alterations to the Board's Adopted watercourse be proposed then the proposed development will require land drainage consent in line with the Board's byelaws

As such the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk and drainage.

Planning Balance

The proposal will not materially harm the character or appearance of the locality or amenity of nearby residents. The planning balance is therefore considered to be in favour of the proposal.

CONCLUSION

In light of the considerations above, the proposal is considered to be in accordance with Policies 1, 2, 3, 4 and 29 of the South East Lincolnshire Local Plan (2019) and Sections 12, 14 and 16 of the National Planning Policy Framework (2021).

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.

RECOMMENDATION

The application can be approved under delegated powers.