DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-1127-21**	**Applicant:**	**Mr D Kingman**
Proposal:	Single Storey Side Extension		
Location:	Dowgate Cottage Millgate Whaplode St Catherine		
Terminal Date:	30th December 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

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

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 a single storey side/rear extension to create a family room. The extension would measure 9.5 metres (depth) x 4.9 metre (width) and stand at 3.6 metres in height (2.3 metres to the eaves). The extension would have part black

cladding and all other external material would match the existing dwelling

SITE DESCRIPTION

The application site comprises a detached two storey dwelling located on Millgate in Whaplode St Catherine. The site is located outside any settlement boundary and within the open countryside. The property is brick built with white door/window frames. The site benefits from a gravelled driveway to the front/side providing off-street parking provision for several vehicles. there are a number of dwellings of varying character/size in the immediate vicinity and the rest of the immediate area s primarily open countryside.

RELEVANT PLANNING HISTORY

H23-0562-05 - Proposed replacement dwelling - Approved

H23-0003-05 - Proposed replacement dwelling - Refused

H23-1444-03 - Erection of dwelling involving demolition of existing single storey dwelling - Approved

H23-0259-93 - Erection of two dwellings - Appeal dismissed

H23-0728-92 - Two Residential Building Plots - Refused

REPRESENTATIONS

Whaplode Parish Council

Commented in support of the application.

South Holland Internal Drainage Board

If surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Should the applicant's proposals change to include works within 9 metres of the F42 Little Holland Drain (DRN197P4210), including outfall pipes adjacent to the southern site boundary consent would be required to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure).
If there are any riparian owned/maintained watercourses within or adjacent to the site boundary and the proposals involve the alteration of a watercourse, consent would be required under the Land Drainage Act 1991 (and Byelaw 4).

PLANNING CONSIDERATIONS

Principle of development

The site is outside any settlement boundary, however, the proposed extension 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. 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.

The proposed extension would have a large footprint, however, it is on balance considered acceptable given the generous plot size. The site is big enough to comfortably accommodate the proposed extensions without resulting in overdevelopment of the site and would also retain an adequate amount of outdoor amenity space. The small side projection, modest height and set back from the front of the site would ensure the proposed extension does not appear overly prominent in relation to the existing dwelling or in the street scene. Its design is considered sympathetic with the roof design on the front following the shape of the existing roof. The extension would have part cladding which is considered to be an acceptable contrast to the brick work and in keeping with the semi-rural setting of the dwelling. All other external materials would match the existing dwelling, therefore the extension would be in keeping with the character of the existing dwelling.

As such on balance, the proposed development is considered to comply with the aforementioned policies on design, layout and impact upon the character of the local area.

Impacts upon Residential Amenity

The closest neighbour to the proposed development is Strawberry Cottage located to the north of the application site. The proposal would bring the application dwelling approximately 3.1 metres closer to this nieghbour, however, the proposed extension would be located approximately 1.9 metres from the shared boundary with this neighbour and the majority of it would be blocked by the planting/trees along the shared boundary with this nieghbour. In addition, given the single storey nature of the extension and the relationship with this neighbour with its main house sited a significant distance away (some 30 metres) the proposal is not considered to result in any overbearing impact or unacceptable overshadowing.

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).

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).

South Holland Internal Drainage Board has not raised any objections to the scheme but has advised that should surface water discharge be proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Should the applicant's proposals change to include works within 9 metres of the F42 Little Holland Drain (DRN197P4210), including outfall pipes adjacent to the southern site boundary consent would be required to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure). If there are any riparian owned/maintained watercourses within or adjacent to the site boundary and the proposals involve the alteration of a watercourse, consent would be required under the Land Drainage Act 1991 (and Byelaw 4). An informative has been appended to this effect advising the applicant of the Boards Byelaws.

Subject to the above advice 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, amenity of nearby residents or result in drainage implications. 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 and 4 of the South East Lincolnshire Local Plan (2019) and Sections 12 and 14 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.