

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Development Manager

**To:** Planning Committee - 07 February 2024

**(Author:** Dan Allen - Principal Planning Officer)

**Purpose:** To consider Planning Application H16-1131-23

**Application Number:** H16-1131-23

**Date Received:** 22 December 2023

**Application Type:** FULL

**Description:** Demolition of conservatory & bay window & erection of single storey rear extension

**Location:** 6 FERN DRIVE SPALDING

**Applicant:** Mr L & Mrs E Spicer

**Agent:** Oglesby and Limb Ltd

**Ward:** Spalding Castle

**Ward Councillors:** Cllr G J Taylor

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-1131-23>

### **1.0 REASON FOR COMMITTEE CONSIDERATION**

1.1 The applicant is related to an employee of the South and East Lincolnshire Councils Partnership.

### **2.0 PROPOSAL**

2.1 This is a householder application seeking permission for the demolition of an existing conservatory and bay window to the rear of the host dwelling and erection of a single storey rear extension.

2.2 The proposed rear extension would project beyond the rear elevation of the dwelling by 4100mm and would extend a width of approximately 8684mm. The extension comprises a flat roof, with a central roof lantern.

### **3.0 SITE DESCRIPTION**

3.1 The application site lies to the eastern side of Fern Drive, within Spalding, located within a residential cul-de-sac off Pinchbeck Road. The site comprises a detached dwelling, which is set back from the highway, with a grassed garden to the front along with a block paved driveway and garage to the side of the property.

3.2 The site also comprises a reasonable sized garden to the rear, with mature trees on the rear boundary. The dwellings within the cul-de-sac are of a similar age, size and design.

### **4.0 RELEVANT PLANNING POLICIES**

4.1 If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

#### 4.2 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

4.3 Policy 1 - Spatial Strategy  
Policy 2 - Development Management  
Policy 3 - Design of New Development  
Policy 36 - Vehicle and Cycle Parking  
Appendix 6 - Parking Standards

#### 4.4 **National Guidance**

National Planning Policy Framework (NPPF), December 2023

4.5 Section 4 - Decision-making  
Section 9 - Sustainable transport methods  
Section 12- Achieving well-designed and beautiful places.

#### 4.6 **Planning Practice Guidance (PPG)**

### 5.0 **RELEVANT PLANNING HISTORY**

5.1 H16-0836-22 - Full - Demolition of conservatory and bay window and erection of single storey rear extension - Approved - 10 November 2022

### 6.0 **REPRESENTATIONS**

6.1 This application has been publicised with a site notice being displayed outside the application site. In addition, internal and external consultees have been consulted by individual letter or email.

#### 6.2 **Consultation Responses**

6.3 The responses received from consultees during the initial consultation exercises can be viewed in their entirety through the South Holland website. In this instance, no formal consultation responses have been received.

#### 6.4 **Public Representation**

6.5 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.

### 7.0 **CONSIDERATIONS**

#### 7.1 **Evaluation**

7.2 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.

7.3 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.

- 7.4 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.
- 7.5 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.
- 7.6 **Key Planning Considerations**
- 7.7 The main issues and considerations in this case are (but are not limited to):
- Principle of Development and Sustainability
  - Layout, Design and Impact on the Character of the Area
  - Impact on Neighbouring Residents/Land Users/Land Uses
  - Highway Safety and Parking
- 7.8 **Planning Considerations**
- 7.9 Principle of Development and Sustainability
- 7.10 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.
- 7.11 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.
- 7.12 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.
- 7.13 The application site in this instance is within Spalding, a sub-regional centre, and lies within the defined settlement boundaries as detailed by Policy 1. Irrespective of this, the proposal solely comprises a residential extension and development to an existing domestic dwelling and as such, it is considered to be appropriate, comprising an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.
- 7.14 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.
- 7.15 Layout, Design and Consideration of the Character and Appearance of the Area
- 7.16 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.

- 7.17 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.
- 7.18 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.
- 7.19 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.
- 7.20 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.
- 7.21 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.
- 7.22 The proposed development comprises the demolition of an existing conservatory and bay window, located to the rear of the host dwelling, and erection of a single storey extension. The proposed extension would extend beyond the rear elevation of the host dwelling, and as identified, would be of a single storey scale. Given this, the proposed addition would not be readily visible from the highway or public vantage points within the vicinity of the site, being largely screened by the built form of the host dwelling. Therefore, the proposed extension, given its scale and siting, would not be a prominent or visually intrusive addition, and would not cause an adverse impact to the character or appearance of the area.
- 7.23 The application site has been subject to previous planning approval, under reference H16-0836-22 which was approved on 10th November 2022, and therefore remains extant, comprising a material consideration when assessing this proposal. This approval comprised a single storey projection of a relatively similar nature to that hereby proposed, along with a further, larger scale, rear extension beyond. This additional rear extension, which does not form part of the current proposal, comprised a modern large glazed, addition to the southern boundary of the site.
- 7.24 The extension hereby proposed is considered to be proportionate to the size of the existing dwelling and the plot, providing a much reduced proposal in comparison to that of the extant permission on site. The site is of suitable size to comfortably accommodate the proposed extension without resulting in overdevelopment of the site and would also retain an adequate amount of outdoor amenity space.
- 7.25 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).

## 7.26 Impact on Residential Amenity/Land Users

- 7.27 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.
- 7.28 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.
- 7.29 The proposed extension would project 4.1 metres beyond the rear elevation of the host dwelling and would extend the predominant width along this rear elevation. The site is neighboured to the north (No.8), south (No.4) and to the east (No.1 Gorse Way).
- 7.30 The extension would project within close proximity to the northern edge of the host dwelling; however, the private driveway that serves the application site lies immediately north of the existing dwelling and the proposed extension, providing a separation distance to the neighbouring property of No.8 Fern drive that is in excess of 7.4 metres. Given this separation distance and the modest extent of the proposed extension, it is considered that no unacceptable adverse impact would be caused to the residential amenities of the occupiers at No.8 Fern Drive.
- 7.31 The extension would also project within close proximity to the southern boundary of the application site, being 848mm from this boundary. While the extension would be within close proximity to this boundary, it is also noted that the immediately neighbouring built form comprises the detached garage of No.4 Fern Drive, which provides a further screen and separation to the dwelling of No.4 Fern Drive. Furthermore, it is also worth noting that the extant permission referred to within this report above, comprised an extension of an increased scale within similar proximity to this neighbouring property. Taking this into account, coupled with the modest scale of the proposed extension and its maximum height of approximately 2.9 metres with an additional roof lantern beyond, it is considered that no unacceptable adverse impact would be caused to the residential amenities of the occupiers at No.4 Fern Drive.
- 7.32 The rear garden, which would remain should the extension be developed, would be approximately 13 metres in length from the rear elevation of the extension to the eastern boundary. This separation, coupled with the scale proposed, ensures no unacceptable adverse impact would be caused to the residential amenities of occupiers that reside within the immediately neighbouring properties to the east.
- 7.33 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. As such, the proposal is considered to accord with the provisions of Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

## 7.34 Highway Safety and Parking

- 7.35 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".
- 7.36 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.



- 7.37 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.
- 7.38 The application site provides sufficient parking within the curtilage of the host dwelling and the proposal, although proposing an enlargement to the host dwelling, does not seek to increase the number of bedrooms within the property. Therefore, the parking requirement would not change. Furthermore, the extension is to the rear of the property and as such, the proposed extension would not reduce the availability of parking or impact upon the access to the site.
- 7.39 The access and parking arrangements remain unchanged and therefore, it is considered that the proposal would not result in an unacceptable impact on highway safety.
- 7.40 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).
- 7.41 **Planning Balance**
- 7.42 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.
- 7.43 The proposal represents appropriate development that does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.
- 7.44 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.
- 7.45 **Additional Considerations**
- 7.46 Public Sector Equality Duty
- 7.47 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.
- 7.48 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.49 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.
- 7.50 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

## 7.51 Human Rights

7.52 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).

7.53 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.

## 7.54 **Conclusion**

7.55 Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, and 36 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023). There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above, as expressed within the planning balance section above, the planning balance is in favour of the proposal.

## 8.0 **RECOMMENDATIONS**

8.1 **It is recommended that planning permission be granted, subject to the conditions listed at section 9.0 of this report.**

## 9.0 **CONDITIONS**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:

Application Form  
A1597-01 Rev: B  
A1597-11 Rev: D

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The materials of the external surfaces (brickwork, finish, roof tiles and windows) of the development hereby permitted shall be carried out in accordance with those detailed within the application form and approved plans.

Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework, December 2023.

4. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

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Background papers:- Planning Application Working File

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**Appendices attached to this report:**

Appendix A Plan A



# MapThat Scale Print Title

