DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H01-0605-21**	**Applicant:**	**Mr & Mrs G Mawhinney**
Proposal:	Proposed rear extensions and alterations to dwelling		
Location:	17 Milfoil Lane Cowbit Spalding		
Terminal Date:	27th July 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2019

Section 12- Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a householder application, seeking permission for proposed rear extensions and alterations to the dwelling at 17 Milfoil Lane, Cowbit.

Site Description

The proposal is within defined settlement limits and the surrounding area is characterised by dwellings of a similar age and varying design. A private road serving the host property and two additional properties is sited to the north of the site. The detached bungalow's principle elevation faces toward Milfoil Lane and a detached garage is situated to the rear of the property. The garden is a reasonable size and is not overlooked to the rear as the neighbouring property is a bungalow and screened by trees.

History

H01-1104-19- Full- Extensions and alterations to dwelling- Approved- 21-01-20

H01-0586-88- Outline - Residential development - Approved - 05 April 1989

H01-1288-92- Outline - Residential development including details of means of access - Approved - 10 March 1993.

H01-0403-93- Modified Agreement - Cancellation of agreement limiting number of dwellings prior to access and drainage works - Refused - 01 July 1993.

H01-0519-95- Full - Collector road to provide access to Phase One of development - Approved - 05 July 1995.

H01-0882-99- Outline - Residential development - Approved - 23 May 2000.

H01-0027-00- Full - Residential Development - Approved - 13 April 2000.

Consultation Responses

Cowbit Parish Council - No objections.

Planning Considerations

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 proposal is for two rear extensions. The first is proposed to protrude from the rear elevation on the utility and w/c by approx. 4.8m and an overall width of approx. 5.8m. This extension will form an orangery and enlarge the existing w/c. The other rear extension is proposed to protrude from the rear elevation of bedroom 2 and the bathroom by approx. 2.1m and a width of approx. 5.4m. This extension will create a larger bedroom and bathroom to the existing. Having regard to the existing dimensions of the house, the proposed extensions are acceptable in terms of scale, mass and bulk.

Facing brickwork on walls, concrete roof tiles and UPVC in fenestration and rainwater goods will match those existing in the property. Thus, the development will appear well blended with the fabric of the house and visual amenity will not be undermined.

A flat roof will be formed on the proposed orangery. As much as flat roof extensions are not considered favourable, due to it being largely to the rear of the dwelling it will not impact on the overall character of the surrounding area and is considered acceptable. Furthermore, a flat roof extension in this location was previously approved.

The proposed extension side wall will replace the section of existing fence in that location. The remaining fence to the rear of the extension will then return and fix to the new corner of the extension, as shown on the proposed site plan. It is not considered that the replacement of this section of the boundary fence with wall will be obtrusive to the surrounding street scene and amenity. It is therefore considered acceptable.

Taking the above into account, the proposed extensions are deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale.

Impact upon Residential Amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The proposed development will not have an overlooking impact due to a combination of the fenestration facing towards open fields to the south and the fact that the host dwelling and neighbouring property to the east are both bungalows.

The proposed extensions would not be overbearing or have an adverse impact in terms of overshadowing due to the single storey nature of the development and distances to other properties. The largest extension (orangery) would be approx. 9.8m from the boundary of the dwelling to the east and even further to the property to the north given the private drive in between. As previously mentioned, there are no dwellings immediately to the south.

Taking the above into account, the proposed extensions are deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity.

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 proposed extensions and alterations will not materially harm the character or appearance of the locality or amenity of nearby residents. It is therefore considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

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

The recommendation is for a delegated approval.