

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H01-0819-20 **Applicant:** Mr D Wilson
Proposal: Single storey sun lounge extension to rear
Location: 91 Backgate Cowbit Spalding
Terminal Date: 20th November 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development

National Guidance

National Planning Policy Framework 2019

Paragraph 127 of Section 12. Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a householder planning application that seeks permission for single storey sun lounge extension to rear of the dwellinghouse at 91 Backgate, Cowbit, Spalding.

Site Description

The area is purely residential. As most of the plots were individually designed, there is a wide range of housing types, design, appearances and ages across the street scene in Backgate.

The site has been recently developed. The dwellinghouse is part of a scheme comprising the adjoining house to the south (application ref. H01-1216-16) which is being currently constructed.

The property is a two-storey detached dwellinghouse. Several gable pitches predominate the external layout of the building. A detached gable pitched garage already stand to the rear of the property. A 2 metre timber closeboarded fence is along the adjoining boundary with No. 89 to the north. Construction fencing is along the front boundary onto the road.

History

H01-1406-06 - Residential development - erection of two dwellings - Approved

H01-1063-15 - Residential development - erection of four-bed house and a three-bed bungalow, each with a single detached garage - Approved

H01-1215-16 - Residential development - Approved

Consultation Responses

Cowbit Parish Council

No objection.

Members of the public

One of the residents has made a representation expressing concerns about the possibility of on-street parking which would undermine highway safety.

Planning Considerations

Principle of development

The site lies within the settlement boundaries for Cowbit as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Irrespective of spatial strategy considerations, the principle of developing a house extension that is incidental to the enjoyment of a dwelling house 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.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 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 will protrude 5 metres from the rear wall of the house and will extend 4.70 metres out of the total width of this wall. The apex height will be approximately up to 4 metres from ground levels and the eaves 2.50 metres high. Having regard to the dimensions of the house, it is concluded that the proposed house enlargement will appear clearly subservient with the host property in terms of scale, mass and bulk.

A gable roof will be on top of the extension which will replicate the roof style across the main body of the building as well as the subservient single-storey elements. The walls onto the rear garden will be heavily glazed with large bi-fold doors. The existing bi-fold fenestration on the rear wall will remain. The external materials of the proposed extension will match those existing in the house. Thus, the visual amenity will not result undermined by reason of the proposals.

The purpose of the extension is to create a sun lounge for the occupiers of the house. The proposed features of the development will ensure that the users of the sun lounge will enjoy the daylight within the building.

In summary, the scale and height of the extension will appear proportionate with the house. Its external appearance will be tantamount to the present materials in the house. The roof layout will replicate the gable pitches across the elevations of the building. The purpose of the development is in keeping with the residential use of the property as well as the character of the area. For these reason, the proposals accord with the aforementioned policies at the top of this section.

Residential amenity

The rear extension will be immediately adjacent to the northern boundary with the neighbouring property No. 89. Despite such close proximity with the boundary line, the material increase created by a 4 metre gable pitch height will not appear overbearing to the adjacent residents. The nearest building of the adjacent plot to the proposed extension is a detached garage. The dwelling is approximately 4.90 metres to the north-east. It does not oppose the proposed extension.

The development proposals include the opening of two roof lights but such openings will be placed onto the rear garden of the application property. No overlooking effect will occur.

In summary, the development complies with residential amenity which is one of the key principles of design and development management as set out in Policies 2 and 3 of SELLP (2019).

Conclusion

The proposed design and layout of the house extension will be acceptable in line with the current host property and site layout. The relationship with the nearest residential property (No. 89) is appropriate and will not harm the residential amenity of its occupiers.

The resident representation has raised concerns about on-street parking and poor highway safety. After carefully considering the scope of the representation, it is of case officer opinion that their concerns carry little weight as the application does not have any impact with the car parking provision. I am mindful of their concerns but they were previously addressed when considering to grant permission for the residential development.

Taking into account the considerations above, the proposal is considered to comply with Policies 1, 2, 3 of the South East Lincolnshire Local Plan (SELLP), 2019; and Paragraph 127 of the National Planning Policy Framework (NPPF), 2019.

It is accordingly recommended to approve this planning application via delegated powers.

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.