

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-0442-23 **Applicant:** Mr G Hassan
Proposal: Proposed rear and side extension
Location: 17 Alderlands Close Crowland Spalding
Terminal Date: 31st July 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
36 Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed rear and side extension at 17 Alderlands Close. The proposal will include a garage on the side and some internal alterations to the layout and floor space.

Site Description

This is a semi-detached dwelling within the settlement boundary of Crowland, as outlined within the South-East Lincolnshire Local Plan, 2019 (SELLP). The property is made of red brick with a tiled roof and brown uPVC windows and doors. In the rear of the garden there is a small outbuilding made of brick that is used for additional storage, this will be removed to make way for the extension. There is a plethora of trees and hedges in the rear garden, particularly on the eastern side which appears to be overgrown. There is a low mesh fence on the western side of the property acting as a boundary point between the semi-detached properties.

History

No relevant planning history.

Consultation Responses

North Level District Internal Drainage Board

No observations.

Diane Fairchild-Fenton - Trees and Nature Conservation Officer

The trees being removed are not considered to have a significant public amenity value. Recommended condition for removing of vegetation and for the protection of potential nesting birds.

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, that they are visually attractive, as a result of good architecture, and are sympathetic to local character. 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 main body of the extension at the rear is the same width as the existing property and comes up level with the neighbours extension at the rear of their house, this adds more floor space to the property and allows more room for the residents. The side extension will be for a garage that is level with the rear part of the extension and is just slightly longer overall, with it being this length it allows for a car to be stored internally whilst also providing space for other storage purposes. The overall height of the extension including the rear and side sections means it will come up just shy of the eaves on the side of the property and therefore it will be just over half the existing property in height. Based on this, it can be considered that these measurements are proportionate to the existing dwelling.

The materials being used on the extension are in keeping with the existing dwelling it will be apart of, the roof will be made out of dark coloured tiles, the walls will be red brick and the windows will be made of brown uPVC. The doors will be made of double glazed uPVC and painted timber gloss. All of these will match the existing and therefore ensures that the proposal blends in and doesn't create any visual harm.

Internally, there will be some alterations taking place including the existing pantry to be made larger by being extended into the WC. The kitchen will be opened up into the extension to be an open plan kitchen with a dining room area whilst the dining room at the front will remain in place. To allow for more space in this area there will be a small storage cupboard. At the east of the property there is the addition of a new utility room with a shower room directly behind it. As part of the extension there is a new garage that will go on the west side of the property which has three access points including two doors and a larger garage door. At the rear of the property will be a set of bi-fold doors to allow access to the rear garden and there will be three new windows on this side of the property also.

Impact upon Resident Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

There will be minimal overlooking as a result of this extension, despite the addition of multiple new windows including a set of bi-fold doors at the rear of the property, there will be adequate bushes in the host dwellings garden to provide covering from any potential overlooking, even though there is a small mesh fence on this side. There are already existing windows on the rear elevation however these will be brought out slightly as part of the extension. There are no windows on the eastern elevation facing towards No.15 and therefore they won't be overlooking in this direction either. An overall distance of 27907mm to the rear can be considered to be adequate and therefore not cause overlooking.

As the rear extension comes up just lower than the eaves on the existing dwelling it can be considered that any overshadowing that potentially could arise would be minimal as the size of the development would not be overbearing either. It will be level with the neighbours rear extension and therefore won't go past it causing any new issues, these will also be around a similar height. There is a low fence in the middle however the single storey nature of the extension makes any overshadowing very unlikely due to the overall height and in any case concerned or effected neighbours would be able to remedy any loss of privacy in the future as boundary treatments can be installed under permitted development to make these existing fences higher. The neighbours on the west also won't be effected by the proposal as there is a fence here that is of a normal height and therefore will provide cover, similarly there is also an extension on this side which would be of a similar height.

Overall, it can therefore be considered that this development does not have a severe impact upon resident amenity.

Other Matters

At the rear and side of the property there is a lot of greenery that appears to be getting removed to make way for the proposed development, however following a consultation response from the Trees and Nature Conservation Officer it was considered that this is not considered to have a significant public amenity value. However it was suggested that the undergrowth and tree cover involved is likely to contain nest birds.

'Under the Wildlife and Countryside Act 1981 all birds, their nests and eggs are protected by law and it is an offence to damage or destroy the nest of any wild bird while it is in use or being built. In the event of query please contact Natural England. It was also suggested that any vegetation that needs to be removed be removed outside of the main bird nesting period, generally between Mid-February and end of August (check for nesting birds in any case)'.

As such, a condition has been added to ensure this takes place and keep the potential wildlife in this area safe.

Planning Balance

The proposed rear and side extension will not materially harm the character or appearance of the area. There will be minimal adverse impact upon residential amenity that will arise from overshadowing or overlooking. The design, layout, size and scale will be in keeping with the local area.

It is therefore in accordance with Policies 2 & 3 of the SELLP and Section 12 of the NPPF, the planning balance is therefore in favour of the proposal.

Conclusion

The recommendation is for a delegated approval.

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.