DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0868-22**	**Applicant:**	**Mr & Mrs A Fisher**
Proposal:	Proposed rear extension		
Location:	5 Jayne Gardens Crowland Peterborough		
Terminal Date:	1st November 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2021

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 a proposed rear extension to the property at 5 Jayne Gardens, Crowland.

Site Description

The detached dwelling is situated within the defined settlement limits of Crowland, and is situated within a new build residential part of Crowland.

The dwelling has a detached garage to the east of the site, set back from the road, with a driveway to the side of the dwelling and a small landscaped front garden.

The surrounding dwellings are of a similar age and design, there are currently dwellings under construction to the east on the north of Jayne Gardens.

History

No planning history relevant.

Consultation Responses

Crowland 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 proposed rear extension will protrude from the rear elevation by approx. 4.9m deep by 3.6m wide and an overall height of approx. 3.3m. Overall, having regard to the existing dimensions of the house, the proposed extension is acceptable in terms of scale, mass and bulk.

The external materials include facing brickwork on walls, concrete roof tiles and white UPVC in fenestration and rainwater goods to match those existing in the property. The proposed gable roof will compliment the existing pitched roof structure. Thus, the development will appear well blended with the fabric of the house and visual amenity will not be undermined.

Internally, the purpose of the development is to create a sun room off the existing living room, with new patio doors on the east elevation and a window on the south elevation.

Overall, the proposals will ensure good living conditions for the house occupiers and are in keeping with the residential use of the property.

Crowland Parish Council have commented that they have concerns with the loss of amenity land and the risk to the mature trees that have been incorrectly identified. This comment does not appear to relate to this application as there are no mature trees in the vicinity of the site and it is private garden land.

Taking the above into account, the proposed rear extension is 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.

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 windows to the rear elevation are not considered to overlook unacceptably upon neighbouring dwelling, given the single storey nature of the proposal. The closest property is situated to the south approx. 5m away, however, there are no side elevation windows. The side facing windows and doors will be approx. 21m from the rear windows to 3 Jayne Gardens, which is an acceptable distance in planning terms.

Given the single storey nature of the proposal, it is not considered that the extension would be overbearing or create overshadowing upon the neighbouring dwellings.

Taking the above into account, the proposed single storey rear extension is 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 single storey rear storey extension 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.

Conclusion

The recommendation is therefore 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.