

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-1276-21 **Applicant:** Mr & Mrs Smith
Proposal: Demolition of conservatory and erection of single storey rear extension.
Location: 2 Leofric Close Crowland Spalding
Terminal Date: 14th February 2022

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 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
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder planning application that seeks permission to demolish the existing conservatory and erect a single storey rear extension measuring 4.5 metres (depth) x 4.6 metres (width) and standing at 3.2 metres in height. The extension would have part matching brickwork and part composite cladding.

Site Description

The application site is located on Leofric Close in Crowland.

Sunflower close in Holbeach, within the Holbeach settlement boundary. it comprises a two storey detached dwelling located on a corner plot. The site benefits from an integrated garage to the side and a paved driveway to the front providing off-street parking provision for 2no vehicles. the side and rear boundaries are enclosed by a high level fence.

History

No relevant planning history.

Consultation Responses

Crowland Parish Council

No objections.

North Level Internal Drainage Board

No comments.

Principle of development

The site is within the settlement boundary of Crowland therefore the principle of a house extension is acceptable.

Design and layout

Paragraph 130 of 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. Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and I and uses.

There may be glimpsed views of the proposed extension from the north/north-east of the site, however, given the extension would have a similar footprint and height to the existing conservatory on the site it is not considered to significantly or unacceptably change the overall appearance of the site. In addition, given its set in from the boundary it would not appear overly prominent in the street scene. Only a small section of it would be visible above the boundary fence. Sufficient outdoor amenity space would be retained and the extension would not result in overdevelopment of the site..

As such the proposed development is considered acceptable in terms of its impact on the character of the existing dwelling and the area therefore it accords with Policies 2 and 3 of the SELLP and the Section 12 of the NPPF.

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 closest neighbour to the proposed development is no.4 Leofric Close located to the south-west of the application site. The proposed replacement extension would sit approximately 10 metres from the shared boundary with this neighbour, similar to the existing conservatory. This separation distance is considered sufficient as to not result in any overbearing impact or unacceptable overshadowing.

With regards to the neighbour to the rear the proposed extension would again be sited at a similar distance to the existing conservatory therefore the relationship with this neighbour would not significantly change.

As such, the proposal is not considered to unacceptably harm the residential amenity of adjacent neighbours by reason of unacceptable overshadowing, overlooking or noise. It therefore accords with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Planning Balance

The proposal will not materially harm the character or appearance of the locality or amenity of nearby residents. The planning balance is therefore considered to be in favour of the proposal.

Conclusion

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.

Taking into account the above, this application accords with Policies 1, 2, 3 of the South East Lincolnshire Local Plan (2019) as well as Section 12 of the National Planning Policy Framework (2021).

Accordingly, it is recommended to approve this 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.

RECOMMENDATION

The application can be approved under delegated powers.