

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H03-0334-23 **Applicant:** Mr & Mrs Osbourne
Proposal: Garden room to rear of dwelling
Location: 23 Chappell Road Deeping St Nicholas Spalding
Terminal Date: 15th June 2023

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	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is an application for a proposed garden room to the rear of 23 Chappel Road. The garden room is to measure 2500mm (depth) by 3000mm (width). Proposed is a mono-pitch roof, with the height to eaves measuring approximately 2450mm. The height to the peak would be 2600mm, in line with the existing flat roof extension.

The brickwork of the proposed garden room would be consistent with the host dwelling. The windows and doors would also be consistent with the host, being of white PVCU. A polycarbonate roof is proposed.

Site Description

The site is within the defined boundaries of Deeping St Nicholas, as outlined in the South-East Lincolnshire Local Plan, 2019 (SELLP). The property is towards the south-east of the settlement, approximately 125 metres east of the railway line.

The dwelling itself is a brown brick, semi-detached property, sited amongst comparable dwellings. There is a visible distinction between the two-storey extension on the property's eastern elevation and the host dwelling, with this newer section being of slightly lighter materials. The main dwelling features a hipped roof, with a flat roof extension to the rear. There are sizeable boundary treatments present.

Relevant History

H03-1319-03 - Two-storey side extension with front porch. Approved 29/12/03.

Consultation Responses

No consultation responses received

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 proposed materials (outlined above) would be in keeping with the character of the host property and the wider area. The brick work and frames would all match the existing property, ensuring the development appears well blended into the fabric of the house. While the polycarbonate roofing is not present on the host property currently, it is inline with what is to be expected from a development such as this. Furthermore, the roof would not be visible from the public realm, ensuring there is no damage to the street scene.

The proposed scale of the development is proportionate to the host dwelling and is not considered excessive.

The proposed garden room, therefore, is considered to comply with Section 12 of the NPPF and Policy 2 of the SELLP in terms of design and scale.

Impacts 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.

Present on site is a 2-metre-high boundary fence which, under condition 2 of H03-1319-03, must be maintained in perpetuity. This border treatment would prevent any overlooking or overshadowing via the development. The windows are below the height of the boundary treatment, and therefore, no overlooking could occur. The roof is to be made from a translucent material, ensuring that no overshadowing would occur.

The proposal, therefore, conforms to Policy 2 and 3 of the SELLP in terms of residential amenity.

Planning Balance

The materials would be consistent with the host dwelling and the scale of development is proportionate to the existing structure. Therefore, the proposed garden room would appear well blended into the fabric of the property

The sizeable boundary treatment would prevent additional overlooking from occurring due to the

development. These boundary treatments, coupled with the materials used, would prevent any overshadowing.

The proposal therefore accords to Policies 2 and 3 of the SELLP and as such the planning balance is in favour of the proposal.

Conclusion

The recommendation is for 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.