

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H03-0465-21 **Applicant:** Mr & Mrs Marshall
Proposal: Proposed Two Storey Side Extension and Single Storey Front Extension
Location: 19 Counter Drain Drove Tongue End Spalding
Terminal Date: 23rd June 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 12. Achieving well-designed places.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	2	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for a two storey front/side extension and single storey front and rear extensions. The front extension would have a depth of 2 metres and extend the width of the existing house. The two storey side element would have a width of 4.5 metres. The two storey front projecting element would have a front projection of 2 metres and a width of 4.8 metres. The single storey rear element would measure 2.6 metres (width) x 3.4 metres (depth). On the ground floor a porch, w/c, utility room, bedroom and an en-suite would be created and on the first floor a master bedroom, dressing area and an en-suite. The external material would match the existing dwelling.

It should be noted that the plans have been amended and the balcony/flat roof terrace initially proposed has been replaced with a Juliette balcony.

SITE DESCRIPTION

The property is a detached two storey dwelling located on Counter Drain Drive within the Tongue End settlement boundary. The dwelling is red brick built with white render on the upper half. There is a single storey flat roof element to the side and a flat roof porch to the front. To the front is a gravelled driveway which can accommodate at least 3 vehicles.

RELEVANT PLANNING HISTORY

None.

REPRESENTATIONS

Deeping St Nicholas Parish Council
No objections.

Welland and Deeping IDB

The Board's Delph Drain bounds the site along the north-western boundary and is afforded the protection of a nine metres byelaw distance. If this distance is less than nine metres then an application for a relaxation of the nine metre byelaw is required to be made to the Board prior to works starting on site should planning permission be granted.

Public

A third party has recommended installation of a minimum of 4 no swift nest bricks be required by a planning condition to provide enhancement for biodiversity.

The neighbour at no.18 Counter Drain Drive has objected to the scheme citing the following concerns:

- Overshadowing
- Loss of privacy due to the side windows and balcony
- Out of character appearance
- Overdevelopment of the site

PLANNING CONSIDERATIONS

Layout, Design, Size and Scale

Paragraph 127 of the 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.

One neighbour has objected to the scheme on grounds that the proposed extensions would be out of character with the area and result in overdevelopment of the site. The concerns are noted,

however, the proposed development is not considered to result in any unacceptable impact on the character of the area. Whilst it is accepted that the proposed front/side extension with a gable end would create an unbalance with the attached semi, the scheme could not reasonably be resisted given the fact a similar extension was recently approved at no.2 Counter Drain Drove. Furthermore the proposed extensions appear to be well designed and the front/rear projection is small, thereby giving the extensions an element of subservience. The use of matching external materials would further ensure the extensions are in keeping with the character of the existing dwelling. In addition, a good amount of outdoor amenity space would be retained at the rear as well as the driveway to the front therefore the proposed scheme is not considered to result in overdevelopment of the site.

As such the extensions would on balance comply with the aforementioned policies on design, layout and impact upon the character of the local area.

Impacts upon Residential Amenity

The proposed front extension would be visible to the attached neighbour at no.20 located to the north-east of the application site. Given the small front projection (2 metres) and single storey nature of the extension with its limited height it is not considered that this element would result in any unacceptable impact on this neighbour. The majority of the side extensions would not be visible to this neighbour as they would be blocked by the applicants existing dwelling. Only the small two storey front projecting element would be visible to this neighbour. However this element would be located some 7.5 metres from the shared boundary with this neighbour. As such it is not considered to result in any overbearing impact or unacceptable overshadowing.

The neighbour to the south-west of the application site at no.18 has objected to the proposed scheme citing concerns of overshadowing and loss of privacy due to the side windows and rear balcony. The concerns are noted, however, it is not considered that any unacceptable overshadowing or loss of privacy would result. The proposed development would bring the application site closer to this neighbour at first floor level, however, it would still be located approximately 5.5 metres from this neighbour's nearest elevation. Part of the front/side extension would be blocked by this neighbour's own garage located along the shared boundary with the application site. Given the separation distance to its closest elevation and the fact no.18 does not have any primary windows in its side elevation facing the application site it is not considered that any unacceptable overshadowing or overbearing impact would result. With regards to the proposed windows in the side elevation at first floor level, these would be high level windows therefore there would be no overlooking.

The neighbour at no.18 raised objections to the balcony/roof terrace initially proposed. The concerns were accepted and it was considered that the roof terrace would result in unacceptable overlooking into neighbouring properties. As such the scheme has been amended and a Juliette balcony with no access to the flat roof element is now proposed. The amended scheme is considered acceptable as the view from the Juliette balcony is not considered to have a greater impact than a window therefore this element can be accepted as it would only have direct views of the open countryside to the rear and not the neighbouring dwellings.

As such the proposal would accord with Paragraph 127 of National Planning Policy Framework (2019) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Parking

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision. The proposed scheme would increase the number of bedrooms in the property from 3 to 4 therefore the parking requirement for the site would increase from 2 to 3 no spaces. Enough space would be retained in the driveway to the front to accommodate 3 no vehicles. As such the scheme complies with the current parking standards.

Other matters

One letter of representation has been received from a local resident recommending installation of a minimum of 4 no swift nest bricks be required by a planning condition to provide enhancement for biodiversity. The comments are noted and a condition has been appended.

The site is bound by Welland and Deeping Board's Delph Drain along the north-western boundary

and is afforded the protection of a nine metres byelaw distance. The Drainage Board has advised that if this distance is less than nine metres then an application for a relaxation of the nine metre byelaw is required to be made to the Board prior to works starting on site should planning permission be granted. An informative will be placed on the decision notice informing the applicant of this.

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

In light of the considerations above, the proposal is considered to be in accordance with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (2019).

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.