

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-0031-22 **Applicant:** Mr R Pepper

Proposal: Demolition of existing detached garage and reinstatement of boundary fence and erection of single storey extension with attached garage.

Location: 24 Chestnut Avenue Donington Spalding

Terminal Date: 11th March 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

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 a full planning application at 24 Chestnut Avenue, Donington for demolition of an existing detached garage and reinstatement of boundary fence, as well as erection of single storey extension with attached garage. The proposal seeks to demolish an existing rear elevation conservatory and provide a dining room / kitchen, wc, utility, sun room and a new garage. The extension will project 6 metres from the original rear elevation wall and measure 9.1 metres in maximum width. The eaves height of the extension is 2.4 metres, with a ridge height of 4.18 metres. This ridge height is subservient to the existing dwelling ridge height of 4.35 metres. The building would be constructed from brick and tile to match those of the existing dwelling.

SITE DESCRIPTION

The site is within defined settlement limits and the surrounding area is characterised by dwellings of a similar age and varying design. The front of the site is within Environment Agency Flood Zone 3 with the remainder in Flood Zone 1. The site is not subject to increased hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H04-0646-20

Full - Rear and partial side extension to existing bungalow that adjoins the detached garage - Approved - 29 September 2020.

CONSULTATION RESPONSES

None

PLANNING CONSIDERATIONS

Principle of development

The site is within defined settlement limits and the proposal is for residential development on residential land. The principal of development on this site is considered to be acceptable.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the above relevant criteria the following can be observed:

1. The size, scale and layout of the proposed development is comparable to the other developments in the vicinity and is subservient in height to the two storey dwelling at 22 Chestnut Avenue to the south-south-west. No trees are being removed to facilitate this proposal. The character and appearance of the site and surrounding area is not materially impacted by this proposal.
2. The design is to the side and rear of the dwelling and the orientation best enables entry and exit for the garage as well as improving the existing dining and kitchen facilities to the rear of the dwelling.
3. The building would be constructed from brick and tile to match those of the existing dwelling. This is considered to benefit the appearance of the proposal.
4. The existing access is not being altered. The site can accommodate at least three vehicles which is the minimum amount of off road parking spaces requested by Appendix 6 of the SELLP for dwellings with three bedrooms or greater.
5. The capacity of existing community services and infrastructure is not impacted by this proposal.
6. There is not considered to be a noise, odour or disturbance impact by the proposal. With regard

to visual intrusion the following can be observed:

Overdevelopment - The proposed development is not materially larger than the previous side and rear extension originally approved under H04-0646-20. Ample amenity space remains available to the front and rear of the property.

Overshadowing / overbearing - Due to the orientation of the extension there is not considered to be a material overshadowing / overbearing impact as it is sited north of the dwelling at 22 Chestnut Avenue and therefore won't impact the neighbouring dwelling due to the southerly trajectory of the sun.

Overlooking - There are no south elevation windows so there is not considered to be an overlooking impact to 22 Chestnut Avenue. The western rear elevation windows face a 1.8 metre high close boarded boundary fence. The northern side elevation windows face a 1.8 metre high close boarded boundary fence. There is not considered to be an overlooking impact.

7. The front of the site is within Environment Agency Flood Zone 3 with the remainder in Flood Zone 1. The site is not subject to increased hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping. The proposed extension does not require finished floor levels to address flood risk.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. 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.

Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:

1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

When assessed against the above relevant criteria the following can be observed:

1. A sense of place is not impacted by this proposal. The size, scale and layout of the proposed development is comparable to the other developments in the vicinity and is subservient in height to the two storey dwelling at 22 Chestnut Avenue to the south-west. No trees are being removed to

facilitate this proposal. The character and appearance of the site and surrounding area is not materially impacted by this proposal.

5. Bin and cycle storage can be easily accommodated on site. The site can accommodate at least three vehicles which is the minimum amount of off road parking spaces requested by Appendix 6 of the SELLP for dwellings with three bedrooms or greater.

11. There is not considered to be a noise, odour or disturbance impact by the proposal. With regard to visual intrusion the following can be observed:

Overdevelopment - The proposed development is not materially larger than the previous side and rear extension originally approved under H04-0646-20. Ample amenity space remains available to the front and rear of the property.

Overshadowing / overbearing - Due to the orientation of the extension there is not considered to be a material overshadowing / overbearing impact as it is sited north of the dwelling at 22 Chestnut Avenue and therefore won't impact the neighbouring dwelling due to the southerly trajectory of the sun.

Overlooking - There are no south elevation windows so there is not considered to be an overlooking impact to 22 Chestnut Avenue. The western rear elevation windows face a 1.8 metre high close boarded boundary fence. The northern side elevation windows face a 1.8 metre high close boarded boundary fence. There is not considered to be an overlooking impact.

12. The front of the site is within Environment Agency Flood Zone 3 with the remainder in Flood Zone 1. The site is not subject to increased hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping. The proposed extension does not require finished floor levels to address flood risk.

This application accords with SELLP Policy 3.

PLANNING BALANCE

By virtue of the design of matching materials and location to the side and rear of the dwelling it is considered that there is not a material impact on the character and amenity of the surrounding area. This application accords with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, 2021.

CONCLUSION

This application is recommended for 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.