DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H04-0888-20**	**Applicant:**	**Mr D Clarkson**
Proposal:	Proposed rear extension, including alterations, and rebuilding of garden store		
Location:	102 Station Street Donington Spalding		
Terminal Date:	4th December 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 12, 14 and 15

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	1	0	0	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application for a rear extension, including alterations, plus rebuilding of a garden store at 102 Station Street, which is a semi-detached house. The extension would project 6.75 metres from the original rear wall at ground floor level and 5.7 metres at first floor level approximately. It is 5.2 metres in width, has a 5 metre eaves height and a 6.9 metre maximum apex height approximately.

The ground floor element contains a family room and the first floor an additional bedroom and en-suite. Proposed materials of construction have not been provided with this proposal.

SITE DESCRIPTION

The semi-detached house, which is currently unoccupied due to fire damage, is located within an existing row of semi-detached dwellings fronting Station Street and continuing round to Barnes Road to the south-east. It is some 30 metres to the south-east of the A52 roundabout. A semi-detached house (no. 100 Station Street) is situated immediately to the north-east.

RELEVANT PLANNING HISTORY

None

REPRESENTATIONS

Cllr J L King - This would appear to be a very large extension and seems to cause significant loss of privacy to the next door neighbour.

Public - Objection received (summarised):
Loss of light, sunlight/heat and air to rear of property, including office/dining room and master bedroom; Overbearing; Overlooking/lack of privacy; Out of keeping/character; Impacts negatively on outlook; No extra parking; Noise/disturbance - working on property during anti-social hours; Anti-social behaviour; Should first repair existing structure and make it watertight - causing damp; Work has already started; May take a long time to complete; Not read title deeds; Claiming land not within their ownership and removing party wall without consent; Works carried out sub-standard and not in accordance with building regulations; Not included caravan that applicant lives in and fence within application; Soil removed from site and not used for landscaping; Unsafe disposal of asbestos; Devaluation of property.

PLANNING CONSIDERATIONS

The main issues in this case are:

- Policy/principle;
- Character/appearance;
- The likely impact upon the amenity of nearby residents;
- Other material considerations such as highway issues and flood risk.

Policy/Principle

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 site is inside Donington Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within Main Service Centres, including Donington, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities.

In this case, the proposal is an extension to the existing dwelling. The principle of development for the proposal is therefore acceptable unless material considerations indicate otherwise. The proposal is therefore in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019.

Character/Appearance

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, including specifically in relation to:
- 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;
- quality of design and orientation.

SELLP Policy 3 states that 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 specific issues, where they are relevant to the proposal, will be secured. This includes 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.

Existing development along this section of Station Street and along Barnes Road mainly consists of semi-detached houses. Nos. 1A and 1B Barnes Road to the south-east are the exception and are semi-detached chalet type properties. Several of the properties are "T" shaped, incorporating a single storey rear extension.

The proposed extension would project beyond the rear of the property. Although it is mainly two storey it is nevertheless considered appropriate in terms of scale and height. It is considered that it would not materially harm the street scene or character or appearance of the area, subject to agreement in respect of the external materials.

The proposal therefore satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Amenity

Policy 2 of the SELLP states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met in relation to relevant matters such as:
- 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;
- quality of design and orientation;
- impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion.

SELLP Policy 3 indicates that development proposals will demonstrate how specific issues relevant to the proposal will be secured, including residential amenity.

The proposal seeks to provide an extension that projects 6.75 metres from the original rear wall at ground floor level and 5.7 metres at first floor level approximately. It has been reduced from 7.1 metres following concern expressed by Planning Officers in terms of its impact upon neighbouring residents. The extension is some 5.2 metres in width, has a 5 metres eaves height and a 6.9 metre ridge height approximately. It is some 2.9 metres from the common boundary with no. 100 Station Street to the north east and is separated by an existing single storey rear element serving no. 102 Station Street.

In terms of blockage of light, the Building Research Establishment (BRE) guidelines "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" provide guidance on avoiding unacceptable impacts and sets out non-mandatory targets for levels of daylight and sunlight within existing and proposed development. Where a development or extension is perpendicular to the window (eg. rear extensions) the 45 degrees rule of thumb test is applied.

In this case, the proposal is some 2.9 metres from the boundary with 100 Station Street and has a projection of 5.7 metres at first floor level. The first-floor windows associated with no. 100 to the north-east are a bathroom, bedroom, landing and bedroom respectively. When a 45 degrees angle is drawn from the rear edge of the proposed first floor extension (depth 5.7 metres) only the bathroom window and partially a secondary bedroom window are affected at first floor level. No

openings are significantly affected at ground floor level bearing in mind there are already single storey rear extensions projecting out from the rear of both semi-detached properties.

No. 100 Station Street has a rear conservatory that is used as a dining room/office, which is positioned away from the boundary. It presently suffers some blockage of sunlight during winter months due to the existing linked single storey extensions serving both 100 and 102 Station Street. Although the proposed extension is two storey it is some 2.9 metres from the common boundary. Although there would be some additional blockage of sunlight within the conservatory, mostly within the upper part, for a limited period in the afternoons during winter months, it would not be such as to justify refusal.

In terms of overlooking of neighbouring property, the south-eastern (rear) elevation has no opening at first floor level. A landing window is situated on the north-eastern elevation facing no. 100 Station Street. However, it mainly overlooks the roof of the existing single storey element and would in any case be obscure glazed.

It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, blockage of sunlight, overshadowing or overbearing effect. It is accepted that there would be some noise and disturbance during the construction phase. However, this is something normally associated with new development and not such as to justify refusal.

The proposal therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in terms of residential amenity.

Highway Safety

The number of bedrooms would be increased from 3 to 4. In such cases Appendix 6 (Parking Standards) requires the provision of 3 car parking spaces within the curtilage. Ample car parking is available within a gravelled area along the frontage. There are therefore no highway safety issues in this case.

The proposal is in accordance with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in this respect.

Flood Risk/Drainage

The site is within Flood Zone 1 within the Environment Agency Flood Maps and also an area of no hazard within the South East Lincolnshire Strategic Flood Risk Assessment. There are no flood risk issues in this case therefore.

In terms of drainage, foul water would be disposed of to the mains sewer and surface water to a soakaway. The latter would manage sustainably the surface water runoff coming from the proposed development. In doing so, the design of the development is appropriately resilient to the effects of flood risk and overall climate change indicated within Policy 4 of the SELLP. No evidence of poor soil permeability is known in the locality. In any case, the suitability of a soakaway will be tested and subsequently approved at a later stage by SHDC Building Control.

Other Matters

Ongoing works creating damp - This matter is in relation to renovation works within the existing dwelling and are not the subject of this application.

Ownership issues/work to party wall - Ownership issues/disputes are a separate civil matter. Works to a party wall fall within the remit of The Party Wall etc Act 1996, which provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings.

Anti-social behaviour - The proposal is not considered to have a material impact upon increased anti-social behaviour, which can be addressed under separate legislation.

Applicant is working on their property during unsociable hours - This is a claim in relation to the existing property and can be dealt with by the Environmental Health Department.

If approved, the applicant may take a long time to complete construction - Planning permission is

normally for a period of three years. An applicant can commence at any time during this period.

Works undertaken thus far are substandard and do not accord with building regulations - The safety and built standard of works within the existing dwelling are a matter for the Building Control Department.

Unsafe disposal of asbestos - This matter falls within the remit of the Health and Safety Executive.

Other unauthorised works on site (eg. frontage fence and mobile home, etc at rear) - These matters are currently under investigation by the Planning Enforcement Team.

Devaluation of property - This is not a material planning consideration and therefore carries very little weight.

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 proposal is an extension to an existing dwelling with Donington Settlement Limit. Consequently, there are no objections in principle, unless material considerations indicate otherwise. It is considered acceptable in terms of scale and appearance. It would not harm the amenity of neighbouring residents to such an extent as to justify refusal in terms of overlooking, lack of privacy, overshadowing, blockage of sunlight, overbearing effect or noise and disturbance. There are no objections to the proposal on highway safety or flood risk grounds.

Conclusion

The proposed development is therefore considered to be in accordance with Policies 1, 2, 3, 30 and 36 of the South East Lincolnshire Local Plan, 2019 and advice within the National Planning Policy Framework, 2019. There are no material considerations that outweigh factors in favour of the proposal.

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 was referred to the Chairman's Panel on 5 March 2021 where a delegated decision was accepted.