DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H04-0890-19**	**Applicant:**	**Mrs S Benjamin**
Proposal:	Extension to form gymnasium - re-submission of H04-0199-19		
Location:	3 Saxony Way Donington Spalding		
Terminal Date:	1st December 2019		

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 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
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Householder planning permission was granted under application ref. H04-0199-19 for an extension to form a gymnasium at 3 Saxony Way, Donington, Spalding.

A 1m separation distance was shown between the side elevation of the extension and the boundary fence, and the application was approved as such. However, following the investigation of a complaint to the Council's Planning Enforcement team about the proximity of the extension to the fence on the northern boundary, it was concluded that the extension was closer to the boundary than the 1 metre separation distance approved. The aim of this re-submission is to regularise the situation.

Site Description

The area is purely residential. The properties are detached dwellings within spacious plots. A mix of bungalows and two-storey houses has been observed in the locality. There is some variety of designs and appearances through dormer windows and roof pitches although facing brickwork of similar colour is the predominant feature.

The application site is a bungalow which was built c.1980s and is set back from the road as much as the adjacent bungalow to the south (No. 1). The adjacent property No. 5 to the north is aligned with the building line of the northern side of the road to the cul-de-sac end. As a result of that, this neighbouring building is set back from the road and fairly away from the property in question.

History

H04-0199-19 - Extension to form Gymnasium - Approved

Consultation Responses

Residents

One objection to the separation distance of 380mm, as shown on the plans, between the extension and the fence on the northern site boundary. This does not include roof tiles, soffits, bargeboards drainpipe and guttering which would protrude over the fence.

One further representation has been made suggesting that the surface water runoff would be better suited to a linkage with an existing down pipe at the nearest convenient point.

Black Sluice IDB

No objection.

It has been though advised that there is a piped watercourse running north-south along the rear of the property (western boundary) and no part of the proposed works affects this piped watercourse, and that if any damage is caused, then they will be responsible for the costs of any repairs or replacement.

LCC Historic Environment Officer

No archaeological impact.

Donington Parish Council

No objection.

Planning Considerations

Design and layout

The development is currently near completion. The separation distances between the extension and the boundary fence are equal to those detailed on the plans submitted. At the time of the site visit, soffit, fascia and guttering were slightly set back from the boundary fence. These part of the extension do not overhang the fence or encroach onto the curtilage of No. 5. It is anticipated that this arrangement would not be at odds with the functionality of such elements neither the structural safety of the house extension.

The extension sits close to the boundary fence. Notwithstanding this, the subservience of the

development to the host dwelling remains.

Impact upon residential amenity

The boundary fence is timber close board and measures nearly 2 metre high. Overgrown ivy planting over the fence and a young leafy tree behind the fence would obscure further views from the site of the adjacent property No. 5.

As the height and bulk of the extension is in keeping with the host property and the extension is single storey in nature, no overbearing effect would be caused by virtue of the development.

Conclusion

Taking into account the considerations above, the proposal is considered to comply with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019 and Section 12 of the National Planning Policy Framework (NPFF), 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.