DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H05-0925-20**	**Applicant:**	**Mr P Vijayaratnam**
Proposal:	Rear sun room extension, first floor rear extension and glass balustrade around first floor extension.		
Location:	24 Fleet Road Fleet Spalding		
Terminal Date:	14th January 2021		

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

Paragraph 127 of Section 12. Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder planning application that seeks permission for rear sun room extension, first floor rear extension and glass balustrade around first floor extension to the property at No. 24 Fleet Road, Fleet, Spalding.

Site Description

The site forms part of the linear development bordering the southern side of Fleet Road. The area is mainly residential. A wide range of housing types, designs, ages and appearances has been observed on the wider street scene. Most of the plots were individually designed.

The site has approximately a rectangular shape and it is of fairly large scale. The property is a large two-storey bungalow benefiting from subsequent extension and alterations. It appears visibly set back from the road.

To the rear, a raised patio border with low brick wall and a domestic glasshouse. The rear garden has a considerable size and is laid in lawn. It is enclosed by a 2 metre high timber closeboard fence although mature and leafy trees and planting supplement the boundary treatment.

History

H05-0518-01 - (Outline) Erection of 2 dwellings - Approved

H05-0096-02 - (Reserved Matters) Erection of two houses with detached double garages (Outline application H05/0518/01) - Approved

H05-0434-20 - Replace existing porch, new dormer extension and alterations - Approved

Consultation Responses

SHDC Internal Drainage Board

No objection.

Reminds the applicant to comply with Board's byelaw when applicable.

Planning Considerations

Principle of development

The site lies within the settlement boundaries for Holbeach as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Irrespective of spatial strategy considerations, the principle of developing house extensions and alterations that are incidental to the enjoyment of a dwelling house is acceptable.

Design and layout

Paragraph 127 of 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 SELLP, 2019 goes on to say that considerations shall be met about 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. In this regard, Policy 3 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, would not be acceptable.

The proposed porch would be erected on the front main access to the dwelling. The existing semi-circular conservatory porch would be replaced for a more rectangular flat roofed brick porch. One additional dormer window has been developed in accordance to the precedent application H05-0434-20 which obtained planning permission.

To the rear, the raised slabbed patio would be removed to form a single-storey extension with balcony above it. A car port would be erected to the rear of the garage which is a gable pitched element on the eastern part of the house. The extension would only protrude 97 centimetres further

from the existing wall of the house and the adjoining car port, slightly further onto the garden. The current gable element at the rear elevation would have re-roofing to raise the pitch height as much as the ridgeline of the house. This is a functional alteration to provide sufficient ceiling height for additional bedroom and appropriate access to the new balcony.

Having regarded to the relationship between the proposed development and the house as it stands, it is concluded that the alterations would be visually subservient to the host property in terms of scale, mass and bulk,

With regards to the resulting appearance, the proposed external materials would match the existing fabric of the building as close as possible. The visual amenity therefore would not result undermined as the materials would be tantamount to the existing external fabric.

Internally, the rear extension is assumed to be an enlargement of the dining room. On the first floor, the additional dormer window would provide further daylight to landing. An ensuite bedroom will be created under the raised gable pitch on the rear. The balcony will be accessed from this bedroom and most of the floorspace will be filled by two roof lights that would provide further daylight to the interior of the new dining space.

Residential amenity

The proposed balcony would be the main feature of the proposals when addressing this planning material consideration for this application.

Initial concerns were had with regards the balcony and its proximity to the adjacent property to the east (No. 26). The nearest separation between the balcony and the eastern boundary would be nearly 1.8 metre. The first-floor space is side-to-side with the rear garden of No. 26 and loss of privacy would easily occur for the residents living at No. 26. Under case officer's request, revised plans have been submitted to address such conflictive relationship. A 1.8 metre high brick wall is proposed on the eastern edge of the balcony. The views would be obscured and any overlooking effect prevented onto this neighbouring garden.

The planning assessment also refers to the relationship of the balcony with the other two adjacent properties. There is a separation distance of nearly 12 metres with the rear conservatory of the property at No. 26a Fleet Road which is to the south-east. The dwelling is a bungalow with very restricted rear garden. The eastern boundary of the application site is treated comprising a nearly 2 metre timber closeboard fence, planting of similar and higher height as well as two tall cypresses. In addition to the aforementioned distance, the boundary treatment will not allow direct views from the balcony to the rear of No. 26a Union Street. The distance to the southern boundary is 24 metres. This is considered to be significant to the extent that the occupiers of the adjoining property No. 6 Union Street would not be overlooked by the balcony users.

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 scale and height of the proposals will be commensurate with the host property. The purpose of the development is in keeping with the residential use of the building. It will allow the occupiers to meet their increasing living needs and upgrade the property. The external appearance would be in keeping with the house. On balance, the design and layout standards of the proposals would be good for the significance, detailing and age of the host property.

With regards to the balcony, a 1.8 metre high brick wall would be on its eastern edge to prevent direct overlooking to the rear garden of No. 26. The distance as well as the boundary treatment adjacent to No. 26a is considered overall acceptable to ensure safeguard of privacy. The longest distance of the balcony with the neighbouring properties is to the south. No overlooking would occur onto the site of No. 6 Union Street in a separation distance of 24 metres. On balance, the proposal would not pose any unacceptable harm upon the amenity standards of the adjacent residents.

In summary, no adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the planning policies taken as a whole.

Conclusion

Taking into account the considerations above, the proposals are considered to comply with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019; and Paragraph 127 of the National Planning Policy Framework (NPFF), 2019.

It is accordingly recommended to approve this planning application via delegated powers.

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.