

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H08-0269-19 **Applicant:** Mrs H Barton
Proposal: Rear extension
Location: 21 Rutland Gardens Gosberton Spalding
Terminal Date: 2nd May 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	0	1	0
WARD MEMBER	0	0	0	0
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder planning application for rear extension at 21 Rutland Gardens, Gosberton, Spalding.

Site Description

The site context is solely characterised by residential development. Detached houses stand in fairly spacious plots with garden area to both front and rear. The residential frontage is greatly set back from the road. A driveway, a foot walk and a verge is between the front elevation of the properties and the edge of the roadway. The rear garden is enclosed by 2 metre high timber close board fence on both sides and a drain runs along the rear boundary. Following the built environment in the vicinity, the application's property is a two-storey traditional brick and tile dwelling.

History

None

Consultation Responses

Welland and Deepings IDB

No objection. The applicant shall submit an application to the Board to relax the 9m byelaw in advance of any works.

Gosberton Parish Council

No observations.

Planning Considerations

Principle of development

According to the Inset Map 18 of the South East Lincolnshire Local Plan (2019), the site is within the settlement boundaries of Gosberton. The principle of development is therefore acceptable unless other material considerations indicate otherwise as laid down in section 70(2) of the Town and Country Planning Act 1990.

Size and scale

The proposed extension would be single-storey. It would project 5.30 metres from the main rear wall. The width would be approximately 5.10 metres. The maximum apex height would be 3.45 metres and the eaves 2.40 metres high. Having regard to the dimensions of the house, it is concluded that the proposed development would be subservient to the host property in terms of scale, massing and bulking.

Design and layout

The aim of the development is to create a dining room. This is considered acceptable to the living needs of the occupiers living in the property.

A gable pitched roof would be on top of the extension. 2 No. French doors with side panel windows would be opened on the rear and southern side elevations. 2 No. roof lights would be opened on each roof slope. The proposed fenestration would enhance the enjoyment of daylight for the residents using the dining room.

The external materials are stated to match those existing in the property, thus the visual amenity would not result significantly altered after the development.

Impact upon the amenity

A 2 metre high timber close board fence is on both boundaries to the sides. Given the single-storey nature and height of the extension, no overlooking is anticipated through the fenestration. The separation distances are sufficiently long and no habitable room of the adjacent properties is in close proximity to the intended extension. Therefore no overbearing impact would occur to the residents of the neighbouring properties.

The angle and distance of the nearest dwelling of the scheme in the adjacent land opposite the drain approved under planning application H08-0755-18 is such that any harm upon residential amenity is inexistent.

Conclusion

In light of considerations above, the proposed development is in accordance with Policy 1, 2 and 3 of South East Lincolnshire Local Plan, 2019 and Section 12 of National Planning Policy Framework, 2019.

It is therefore recommended to approve this application via delegated powers.

Additional Considerations

Public Sector Equality Duty

In making your decision you 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 is only one factor that needs to be considered, and may be balance 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 your decision, you 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.

You are referred specifically to Article 8 (right to respect for private and family life), 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 interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.