

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0247-21 **Applicant:** Mrs J Smith
Proposal: Proposed single storey rear extension to existing dwelling
Location: 13 Windmill Close Holbeach Spalding
Terminal Date: 5th May 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed single storey rear extension to the property at no.13 Windmill Close, Holbeach.

Site Description

The property is a detached dwelling situated within the settlement of Holbeach. The area is predominantly characterised by residential development. The dwelling is situated within a cul-de-sac and is set back from the road with a small block paved driveway to the front of the attached garage. There is access to the rear garden to the north and south of the dwelling, which is of a reasonable size. The dwellings in the surrounding area are considered to be of a similar age and design.

History

No relevant planning history.

Consultation Responses

Holbeach Parish Council - Support

Planning Considerations

Layout, Design, Size and Scale

The proposed single storey extension would protrude approx. 4m from the existing rear elevation, with a width of approx. 5.9m. The highest part would be in line with the bottom of the first floor windows. The extension would be approx. 1m from the southern boundary and 5.7m from the northern boundary at its closest point. Having regard to the existing dimensions of the house and plot it sits within, the proposed extension is acceptable in terms of scale, mass and bulk.

Facing brickwork on walls, concrete roof tiles, UPVC in fenestration and rainwater goods will match those existing in the property and a mono pitched roof will be formed to cover the proposed extension. Thus, the development will appear well blended with the fabric of the house and visual amenity will not be undermined.

The purpose of the development is to create a garden room from the existing kitchen. Overall, the proposal will ensure good living conditions for the house occupiers and is in keeping with the residential use of the property.

Taking the above into account, the proposed extension is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2019 in terms of layout, design, size and scale.

Impact upon Residential Amenity

The proposed French doors to the northern elevation would be approx. 20m away from the dwelling to the north (4 Farmers Gate. This is considered to be a sufficient separation distance and it would not have a material adverse impact in terms of overlooking overlooking. The eastern facing windows are at an angle from other properties so there would be no material overlooking impact in this regard. The southern facing window is high level and above average eye level.

The proposed extension is also not deemed to have an adverse material impact in terms of being overbearing and creating overshadowing due to the single storey nature of the proposal and positioning in relation to neighbouring properties. It is sited to the north of the closest property and would be approx. 20m from the properties northwards.

Taking the above into account, the proposed extension is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2019 in terms of residential amenity.

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 proposed single storey rear extension will not materially harm the character or appearance of the locality or amenity of nearby residents. It is therefore considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 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.

Conclusion

The recommendation is for a delegated approval.