DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0380-22**	**Applicant:**	**Mr J Mundy**
Proposal:	Conservatory Extension		
Location:	9 Tolls Lane Holbeach Spalding		
Terminal Date:	2nd June 2022		

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 2021

Section 12 - Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for a conservatory to the rear measuring 5 metres (depth) x 3 metres (width) and standing at 2.4 metres in height.

SITE DESCRIPTION

The application site comprises a two storey semi-detached house located on Tolls Lane in Holbeach. The site is located outside of any settlement boundary. The dwelling is red brick built with a small canopy element above the front door. It has a large gravelled driveway to the front/side providing off-street parking provision for several vehicles.

RELEVANT PLANNING HISTORY

H09-0768-21 - Erection of Shed - Retrospective - Approved

REPRESENTATIONS

Holbeach Parish Council

No observations.

PLANNING CONSIDERATIONS

Principle of development

The site is outside any defined settlement boundary, however, the proposed extension would be sited within the residential curtilage of the existing dwelling therefore the principle of extending the existing dwellinghouse is acceptable.

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 key material considerations are addressed below.

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 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 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, will not be acceptable.

The proposed conservatory extension is considered proportionate to the existing dwelling. Given its modest height the proposed extension is not considered to appear overly prominent in relation to the existing dwelling. Sufficient outdoor amenity space would be retained therefore the proposal is not considered to result in overdevelopment of the site. In addition, the proposed conservatory meets the prior approval criteria therefore it could not reasonably be resisted.

As such on balance, the proposed development is considered to comply with the aforementioned policies on design, layout and impact upon the character of the local area.

Impacts upon Residential Amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The closest neighbour to the proposed development is the attached neighbour at no.10 Tolls Lane located to the north of the application site. The proposed conservatory would be sited approximately 0.9 metres from the shared boundary with this neighbour. Given the single storey nature of the extension and modest height (2.4 metres) the proposal is not considered to result in any overbearing impact or unacceptable overshadowing. It would sit only approximately 0.6 metres higher than the existing boundary fence.

With regards to the neighbour to the south at no.8 Tolls Lane the proposed extension would be sited approximately 6.5 metres from the shared boundary with this neighbour. Given the single storey nature of the extension this separation distance is considered sufficient as to not result in any overbearing impact or unacceptable overshadowing. In addition, the majority of it would be blocked by the applicants existing outbuilding in the rear garden.

With regards to the neighbour to the rear the proposed conservatory would be located some 18 metres from the rear boundary. Given the relationship with this neighbour this distance is

considered acceptable.

In addition, the proposal meets the prior approval criteria and given no objections have been received the scheme could not reasonably be resisted.

As such the proposal would accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Planning Balance

The proposal will not materially harm the character or appearance of the locality or on the amenity of nearby residents. The planning balance is therefore considered to be in favour of the proposal.

CONCLUSION

In light of the considerations above, the proposal is considered to be in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (2021).

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 can be approved under delegated powers.