DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0534-22**	**Applicant:**	**Mr J McDonald**
Proposal:	Side Extension		
Location:	22 Crown Avenue Holbeach St Marks Spalding		
Terminal Date:	1st August 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
RESIDENTS	0	0	1	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for single storey side extension measuring 4 metres (width) x 5.3 (depth) metres and stand at 2.6 metres in height. The extension would have matching facing bricks on the front elevation and rendered blockwork on the rear.

SITE DESCRIPTION

The site is located on Crown Avenue in Holbeach St Marks. The site forms backland development

and is accessed via a private driveway. It comprises two storey red brick built detached dwelling with white door/window frames. There is a detached single garage to the side and a gravelled driveway to the front. There are residential dwellings to the east, west and south and open countryside to the north.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

Holbeach Parish Council

No objections.

Resident

One letter of representation has been received from a local resident siting concerns of what the proposed extension would be used for as the property has a restrictive covenant that the property must be used for residential use only.

PLANNING CONSIDERATIONS

Principle of development

The site is within the Holbeach St Marks settlement boundary and 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 extension would be an infill between the existing house and the detached garage. Its footprint and height are considered proportionate to the existing dwelling and the overall site. The flat roof element is not considered ideal, however, given the backland location of the site there would not be any prominent views from the main public realm therefore no unacceptable impact would result on the street scene.

As such the extension would on balance 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 proposed extension would be an infill between the main house and the detached garage. Its height would not be lower than the existing garage and would not extend beyond the front/rear elevations of the garage or the main house. Given this and the relationship with neighbouring properties it is not considered that any unacceptable impact would result on neighbouring amenity in

terms of overbearing impact or unacceptable overshading.

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).

Other matters

One letter of representation has been received from a local resident siting concerns of what the proposed extension would be used for as the property has a restrictive covenant that the property must be used for residential use only. The concerns are noted, however, this is a householder application and there is no indication within the submitted details that the extension would be used for any purposes other than residential. It would be accessed via the existing dwelling therefore there is no potential for the space to be used independently.

Planning Balance

The proposal will not materially harm the character or appearance of the locality or 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.