

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0583-20 **Applicant:** Mr & Mrs J Samways
Proposal: First floor extension above garage
Location: 31 Foxes Low Road Holbeach Spalding
Terminal Date: 14th September 2020

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	0	0
WARD MEMBER	0	0	0	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder planning application that seeks permission for proposed first floor extension above garage at 31 Foxes Low Road, Holbeach, Spalding.

Site Description

The area is the suburbs to the east of the historic town of Holbeach. A wide range of housing types, design and appearance has been observed in the area. From bungalows, two-storey detached

dwelling to semi-detached and terraced houses. Facing brickwork and gable pitches are prevailing through the wider street scene.

The application property is a two-storey detached property. It benefits from a single-storey gable pitched element on the western elevation that hosts the garage. The adjoining properties on each side (No. 29 and 33) are bungalows. A slab paved driveway and lawn is to the front of the property. A 2 metre high timber fence bounds the rear garden and the height of fencing drops as it approaches the highway.

History

H09-1190-87 - Outline - residential development '3 plots' - Approved

H09-0389-99 - Outline - Erection of one detached dwelling with garage - Approved

H09-0408-02 - Reserved Matters - House and garage (outline application H09/0389/99) - Approved

Consultation Responses

Members of the public

One resident has objected the proposal raising the following issues:

- Overlooking effect to the garden of adjoining plot.
- Currently little privacy and the proposal will represent further loss of privacy

Planning Considerations

Principle of development

The is within the settlement boundaries of Holbeach as set out in the South East Lincolnshire Local Plan (SELLP), 2019. The principle of erecting an extension that is of incidental enjoyment for the householders 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.

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 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 will be above the existing garage which is contained within a single-storey gable pitched element on the western side elevation of the property. The pitch height will be raised to meet the front roof slope of the house. The highest point of the extension will appear slightly lower (approximately) 35 centimetres than the ridgeline, especially from the road to the south-east. Having regard to the dimensions of the house, it is concluded that the development will appear subservient to the host property in terms of scale, mass and bulk.

The additional floor space will be used for creating a utility room, toilet and storage on the ground floor level. On the first floor level, the front bedroom will be enlarged and one further bedroom will be created onto the rear elevation. Internal alterations will be carried out accordingly to blend the new space with the existing floor layout of the house. Among others, a fire check wall will split the remaining garage with the new rooms onto the rear. A stud wall will be erected between the enlarged bedroom space and the other new habitable room. Level floors will be arranged to ensure convenient access between the enlarged space and the existing front bedroom. Overall, the proposal is aimed to meet the functional needs of the householders and is in keeping with the

residential character of the building and its setting.

Facing brickwork, roof tiles and UPVC for new openings are proposed to match the existing in the property. The detailing of the development will replicate the features in the property comprising window panes, bargeboard on front gable end, roof cornice, fascia on the side elevation. The canopy roof on the front elevation will be removed. Such work is not a detrimental loss to the property. Overall, the appearance of the extension will blend appropriately with the current fabric of the building.

In summary, the proposed development will be appropriate with the built environment in its setting in terms of scale and height. The purpose of the development will meet the functional needs of the current householders. The external appearance and aesthetics will be similar to that of the dwellinghouse. For these reasons, the development will meet the criteria of the aforementioned policies on design and layout.

Residential amenity

The application property and the adjoining ones form a short frontage development onto the northern side of Foxes Low Road. All buildings face south-east. The upwards increase of the development above the garage will be side by side with the nearest property (No. 31 to south-west) and will not exceed the ridgeline. It will neither encroach further onto the rear garden. Therefore, no overshadowing effect is anticipated towards No. 31 taking into account the height and position of the buildings within the sun path.

The proposed works do not entail any new opening on the western side elevation. Likewise, the opposing elevation has no window of a habitable space. The field vision from the centre of the proposed first-floor bedroom window on the rear elevation is such that no direct views will exist to the rear gardens of the adjoining plots. There are high mature trees near the rear site boundary, thereby no views onto the gardens of properties to the north (No. 113-117 Marshlands Drive). For these reasons, it is considered that the development will not cause any overlooking impact upon the neighbouring properties.

In summary, the development complies with residential amenity which is one of the key principles of design and development management as set out in Policies 2 and 3 of SELLP (2019).

Car parking provision

Appendix 6 of SELLP 2019 sets out the minimum requirements for parking provision upon the use class of the building. 3 spaces should be provided within the curtilage of dwellings with 4 or more bedrooms. In light of the proposed works, the number of bedrooms will increase up to 4.

The remaining garage space will measure internally 2.84 x 3.60 metres which fails to comply the minimum requirements of 2.6m x 5.6m for internal garage as set out in Appendix 6. Therefore, car parking should be off-street. The driveway appear spacious to accommodate 3 cars. In fact, three vehicles were parked during the case officer's site visit. Therefore, the development accords with Appendix 6 and sufficient car parking is ensured.

Conclusion

Careful consideration has been given to the resident objection. It is concluded that the proposed development will not entail further overlooking effect to the adjoining plots. Taking into account all considerations above, the proposal is considered to comply with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019; and also Sections 12 of the National Planning Policy Framework (NPPF), 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.