DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0612-22**	**Applicant:**	**Mr & Mrs C Stock**
Proposal:	Proposed first floor balcony to front elevation, cladding to front elevation and single storey side extension		
Location:	30 Harwood Avenue Holbeach Spalding		
Terminal Date:	29th August 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for a first floor balcony to the front elevation, cladding to front elevation and single storey side extension to create a w/c and lobby area. The extension would measure 4.6 metres x 1.1 metres and stand at 2.7 metres in height. The external materials of the extension would match the existing dwelling.

SITE DESCRIPTION

The application site is located on Harwood Avenue in Holbeach. It comprises a detached buff brick built dwelling. There is a single flat roofed garage to the side and a gravelled driveway to the front providing off-street parking provision for several vehicles. the front boundary is partially enclosed by

a low level wall. The immediate street comprises a mixture of single and two storey dwellings of varying designs.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

No representations received.

PLANNING CONSIDERATIONS

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 not be visible from the public realm as it would be blocked by the existing house. The extension would be a minor infill and is therefore considered proportionate to the existing dwelling and the plot. The proposed use of matching external elevational materials would ensure the extension is in keeping with the existing dwelling.

The proposed cladding on the front elevation is not considered to unacceptably change the overall appearance of the dwelling or the character of the area given there are a mixture of different materials in the area therefore the development would not be out of character with the area.

With regards to the proposed balcony this would be clearly visible from the public realm given its siting to the front of the dwelling. It would be a small footprint measuring 1.2 metres (depth) x 1.9 metres (width) therefore it is considered acceptable in terms of scale, mass and bulk. It would be sited at least 7 metres from the front boundary therefore it would not appear overly prominent in the street scene. Whilst there are no other balconies facing the street in the immediate area given the varied character of the dwellings the proposed balcony in this location is not considered to materially undermine the visual amenity of the area.

As such the balcony would 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 extension is no.118 Langwith Gardens located to the east the proposed extension would be sited close to the shared boundary with this neighbour, however, given its small footprint and modest height it is not considered to result in any overbearing impact or unacceptable overshadowing.

With regards to the neighbour to the west at no.28 Harwood Avenue the proposed extension would not be visible to this neighbour as it would extend beyond the existing rear projecting element.

Given the location of the proposed balcony to the front of the property and the fact there are already french doors in this location therefore no new unacceptable overlooking or loss of privacy is considered to result.

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 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 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.