DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-1095-19**	**Applicant:**	**Mr Richard Simpson**
Proposal:	Proposed extension to ground floor (retrospective)		
Location:	40 Sluice Road Holbeach St Marks Spalding		
Terminal Date:	3rd February 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 retrospective permission for an extension to ground floor of the property at 40 Sluice Road, Holbeach St Marks, Spalding.

Site Description

The property is a semi-detached traditional 'brick-and-tile' house built circa early C20. The pair of semi-detached dwellings face straight onto Sluice Road which runs to the west from north to south.

The application property is set back approximately 8 metres from the front boundary. There is a 2 metre high mature hedgerow which heavily obscures views from the road to the front of the site. Immediately beyond the boundary planting, there is a wide verge. Sluice Road runs after this strip of grassed land. A nearly 2 metre high timber close board fence is on the boundary with No. 39.

The topographic levels of the site slightly fall below those of Sluice Road. The site access is on the northern-west corner of the curtilage. The driveway is wide and leads to a range of small-scale outbuildings for storage. The rear garden is enclosed with a low picket fence from the driveway area and a 2 metre brick wall on the boundary with No 39.

The wider area is characterised by the open agricultural fields of the Fenlands landscape. The location is remote from any urban settlement

History

None.

Consultation Responses

Members of public

One member of the public has objected to the proposal, raising the following issues:

- A construction to the rear overhangs neighbours property.
- Extension blocks views to the side from the living room of the adjacent property.
- The front extension in addition to the rear development is causing an unacceptable cumulative impact upon residential amenity standards.

Planning Considerations

Principle of development

The site is located on land designated as countryside as set out in the South East Lincolnshire Local Plan (SELLP), 2019. However, there is no objection to the principle of a house extension which is by nature part of the main dwelling and therefore no sequential approach should be applied to steer development in more sustainable locations. Thus, the key policy issues relate to the material considerations addressed below.

Layout and design

The host property is a two-storey semi-detached property. The extension extends from both front and side elevations. It protrudes 3 metres from the front elevation and 3.30 metres from the side elevation. The maximum depth of the development is 8 metres. The ridge height is 3.70 metres from the ground level. Having also regard to the dimensions of the house, the extension is subservient to the host property in terms of scale, mass and bulk.

The roof is hipped which is deemed appropriate to blend the upper part of the extension with the house. Facing brickwork matches the existing external walls of the house. Whilst the roof tiles are reddish clay tiles for the extension, the house has older dark concrete tiles. This is considered to provide a certain variety to the overall appearance of the house without being unsympathetic.

Residential amenity

The separation distances of the extension are 4.7 metres with the front boundary and 3.5 metres with the boundary bordering the adjacent semi-detached house No. 39.

A living room window is located behind the fence separating the two properties. The oblique angle of vision from the mid-point of this adjacent property's window is such that the front extension is not considered to be overbearing in nature. Furthermore, there is a nearly 2 metre high metre timber close board which greatly obscures views from the mid-point of the aforementioned window to the extension.

No overshadowing would be casted onto the front part of No. 39 by virtue of the front extension. The houses are oriented to such an extent within the sun path that if any overshadowing was projected it

would be towards the drive of the host property.

For these reasons, it is not considered that the extension has resulted in a material adverse impact on residential amenity that would justify refusing the application.

With regards to the objection, the development to the rear abutting their boundary fence is lawful under permitted development rights and there is no cumulative impact in addition to the house extension submitted with this application.

Conclusion

The majority of the extension has been developed in the most prominent part of the property. Notwithstanding this, the development is sympathetic with the house and surroundings in terms of scale and appearance (materials).

It is not considered that the extension has resulted in a material adverse impact on residential amenity that would justify refusing the application.

Taking into account the mentioned above, the proposal is considered to be in accordance with Policies 1, 2 and 3 of South East Lincolnshire Local Plan (SELLP), 2019 and Section 12 of the National Planning Policy Framework (NPFF), 2019.

It is accordingly recommended to approve this planning application via delegated decision.

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.