DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H11-0880-20**	**Applicant:**	**Mr D Brown**
Proposal:	Proposed First Floor Extension		
Location:	42 Station Road Long Sutton Spalding		
Terminal Date:	3rd December 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

Paragraph 127 of 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 to the property at 42 Station Road, Long Sutton, Spalding.

Site Description

The site has a rectangular shape. It is fairly wide and deep. The property is one of the residential plots that face on a cul-de-sac street steming from Station Road.

There is a spacious garden and drive area to the front of the property. The remainder of the land is domestic garden laid in grass. Off the rear boundary, a detached outbuilding is being currently constructed which was approved under application ref. H11-0421-19. A large shed remains near the north-western boundary and set back approximately 5 metres from the rear wall of the house.

A 2 metre high timber closeboard fence is on the north-western boundary. An approximately 4 metre high conifer hedge is on most of the south-eastern boundary and its height drops when running in parallel with the curtilage of No. 44.

The property is a two-storey detached dwellinghouse. A single storey flat roof extension to the rear hosts the kitchen. The proposed extension is proposed above such element of the house.

History

H11-0421-19 - Proposed games room - Approved

Consultation Responses

Members of the public

One of the residents has raised an objection against the proposal in the following terms:

-The scale of the extension will reduce the enjoyment of daylight when using the sun room and kitchen.
-The detached outbuilding being currently constructed has already reduce daylight.
-The value of the objector's property will result devaluated by reason of the proposed development.

Planning Considerations

Principle of development

The site is within the settlement boundary for Long Sutton as set out in South East Lincolnshire Local Plan (SELLP), 2019. Irrespective of spatial strategy considerations, the principle of developing a house extension and alterations that are incidental to the enjoyment of a dwelling house 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 SELLP 2019 states that proposals will be permitted provided that sustainable development considerations are met, specifically in relation size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses. In this regard, Policy 3 of the SELLP sets out 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 property currently benefits from a gable pitched extension to the rear. The proposed first-floor extension will be above such element of the house. Therefore, the development will replicate the width and depth of the existing extension. The cumulative height will be 6.60 metres and the eaves will be as high as those in the original house. The proposed gable pitch will be 65 centimetres below the ridgeline of the house roof. For these reasons, it is considered that the proposed extension will appear subservient to the host property in terms of scale, mass and bulk.

The aim of the development is to enlarge the floorspace of the main bedroom of the house. A Juliette balcony and two tilt windows will be on the gable wall of the extension facing the garden. The external materials will be matching the existing in the rear elevation, thereby rendering the walls with a cream coloured finish and using concrete tiles on the roof and white UPVC for fenestration. The resulting appearance will blend with the existing fabric of the house mostly on the rear elevation.

Although the proposal relates with the house property itself, it will be in conflict with the adjoining property No. 44. This property is a detached bungalow within a corner plot and set back from the edge of the highway. Thus, the dwelling appears in close proximity with the south-eastern boundary of the application site and the resulting rear garden is heavily restricted in depth. The two-storey element after developing the proposal will harm the amenity of the residents at No. 44. Further details are provided in this regard below.

In summary, the proposed extension will relate well with the host property when it comes to the scale, height, design and external appearance. However, it conflicts with the provision of amenity standards to the residents of the adjoining property No. 44 which is the nearest one to the development. On balance, the development fails to promote high standard of amenity, ensure good relationship to existing development and maximise opportunities for improving the character and quality of an area.

Residential amenity

This is one of the key principles of design and development management as set out in Policies 2 and 3 of SELLP (2019).

The height of the rear element will increase up to 6.60 metres after developing the proposed extension. The separation distances between the footprint of the two-storey element and the rear elevation of No. 44 range between 6.20 metres and 8 metres. Given the relationship between the extension height and separation with the adjoining property, it is concluded that the proposal will significantly create an overbearing impact upon the residents of No. 44.

There is currently the 4-metre-high hedge extending to the south-west on the adjoining boundary and the high pitch of the outbuilding within the application site. Furthermore, the presence of the roof of a garden shed on the boundary adjoining No. 46 to the south-west is also remarkable although the unit appears lawful under householder permitted development rights. In summary, there is an excessive sense of enclosure which undermines the amenity standards of residents at No. 44. Should permission be granted to the proposal, there would be a cumulative impact that would exacerbate the existing constrained amenity at No. 44 when using the sun room, kitchen or the rear garden itself.

The case officer is mindful of the non-habitable use of the spaces onto the rear garden and consequently the proposed development. However, considerations of amenity are not only restricted to the relationship of habitable spaces with new development and vice versa. The sun room and kitchen are being daily used for the occupiers.

The resident objection raised the loss of daylight. Given the position of the dwellings within the sun path, the intended location of the first-floor extension will not lead to any overshadowing impact to the adjacent property. The main issue identified hereby is the overbearing impact of the first-floor extension.

Conclusion

Taking into account the considerations above, the proposal fails to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019; and Paragraph 127 of the National Planning Policy Framework (NPFF), 2019.

It is accordingly recommended to refuse 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.