

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H12-0681-22 **Applicant:** Mr K Cutten
Proposal: Proposed extension and alterations
Location: 13 Puddingpoke Lane Lutton Spalding
Terminal Date: 2nd September 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	0	0
WARD MEMBER	0	0	0	0
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for a single storey wrap around extension with a rear projection of between 1.7 and 5.6 metres and standing at 2.8 metres in height. The elevational materials would match the existing dwelling.

SITE DESCRIPTION

The application site is located on Puddingpoke Lane in Lutton. It comprises a two storey red brick built semi-detached dwelling. To the front/side is a gravelled driveway providing off-street parking provision for several vehicles. The immediate area is primarily residential comprising a mixture of detached and semi-detached dwellings.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

Historic Environment Officer

No archaeological impact.

PLANNING CONSIDERATIONS

Principle of development

The site is within the Lutton settlement boundary and the 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 located to the rear of the site therefore there would only be limited views from the driveway/carpark to the west of the site. The proposal would cover the majority of the rear garden, however, the applicants main amenity space is to the west of the dwelling which would be retained therefore the scheme is not considered to result in overdevelopment of the site.

The extension would largely be an infill with a small rear projection therefore it is, on balance, considered to be proportionate to the existing dwelling. In addition, the use of matching elevational materials would ensure the extension is in keeping with the existing dwelling.

As such the proposed development is considered to 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 development is the attached neighbour at no.15 Puddingpoke Lane to the east of the application site. The proposal would part infill the rear courtyard area between the applicants existing rear projecting element and the shared boundary with this neighbour. The extension would be sited approximately 1.1 metre from this neighbours shared boundary. It would have a rear projection of 5.6 metres along the shared boundary with this

neighbour. It is accepted that this is quite significant, however, the applicant can erect a 6 metre rear projecting extension under the prior approval scheme subject to no neighbour objections, as is the case here. As such the scheme could not reasonably be resisted.

With regards to the neighbour to the rear at no.11 Puddingpoke Lane the proposed extension would be sited close to the shared boundary with this neighbour, however, given it would sit adjacent to this neighbour's rear garden it is not considered that any unacceptable overbearing impact or overshadowing would result on the amenity of this neighbour.

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 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 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.