DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H13-0098-21**	**Applicant:**	**Mr & Mrs S Forsyth**
Proposal:	Proposed extension and alterations		
Location:	38 Broad Lane Moulton Spalding		
Terminal Date:	29th March 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

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

CASE OFFICER ASSESSMENT

Proposal

This is a householder planning application that seeks permission for proposed extension and alterations to the property at 38 Broad Lane, Moulton, Spalding

Site Description

The site forms part of frontage development along the eastern side of Broad Lane. The area is purely residential. As the plots were individually designed, there is a range of detached houses

within rectangular shaped plots with a wide variety of designs, appearances and ages.

The site is part of frontage development on the eastern side of Broad Lane. The area is solely residential. Individually designed detached houses standing within rectangular shaped plots is the most common development in the vicinity.

The application site has a large and spacious garden laid to law to the rear of the dwelling. The property is a modern two-storey 'brick-and-tile' house with subsequent extensions.

History

H13-0562-20 - Proposed double garage with first floor link to dwelling, extension to kitchen to form day room and garden room extension - Approved

H13-0170-20 - Proposed double garage and garden room extensions - re-submission of H13-0700-19 - Approved

H13-0700-19 - Proposed double garage and garden room extensions - Approved

H13-0592-08 - Details of fencing and trees to be removed (Conditions 3 and 4 of H13/0189/08) - Approved

H13-0189-08 - Proposed two-storey extension and alterations (re-application of H13/1523/07) - Approved

H13-1523-07 - Proposed two-storey extension and alterations - Refused & Appeal Dismissed

Consultation Responses

None.

Principle of development

The site is within the settlement boundaries for Moulton as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Irrespective of spatial local planning considerations, the principle of developing an extension that is incidental to the enjoyment of a dwelling is acceptable.

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. Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

The proposal would entail an increase to the front of the approved extension under H13-0562-20. It would extent to the line of the front elevation. The height and width would be as much as the approved development. The resulting scale, mass and bulk would appear subservient to the host property.

Internally, further garage space would be provided on the ground floor and two ensuite bedrooms on the first floor. The aim of the proposal is to gain further floorspace for improving the living conditions of householders within the dwelling. The intended use is clearly in keeping with the residential use of the property.

Externally, the materials would match those existing in the fabric of the building. Brick lintels tantamount to the current detailing would somewhat enhance the design standards of the development.

Residential amenity

Paragraph 127 of National Planning Policy Framework (2019) 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 bulk of the development would appear in close proximity with the south-western site. The adjoining property No. 40A has recently obtained permission for a two-storey side extension under application ref. H13-0999-20. Should permission be granted to the proposal, the separation distance between both dwelling footprints would be minimal. Notwithstanding this, no primary window would be opened on any of the side walls facing each other. The amenity standards would be acceptable for the occupiers of both properties.

Car parking provision

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class.

The development would entail two additional bedroom. The total number of bedrooms would be 7 as per the proposed floor layout plan. However, only 6 bedrooms are considered habitable given their dimensions.

Appendix 6 states that 3 spaces for dwellings with 4 or more bedrooms should be provided within the curtilage. The front drive is wide enough and adequately surfaced to allow the residents to park three cars within the plot and manoeuvre the vehicles to enter and egress the site in a safe and forward manner.

Therefore, the proposal would ensure adequate car parking provision given the size of the property in accordance with Appendix 6 of SELLP 2019.

Planning Balance

The principle of an extension and alterations that are incidental to the enjoyment of a dwelling is acceptable.

The scale and height of the extension is subservient to the host building. The proposed materials would deliver an external appearance matching with the current fabric of the building. The intended function of the extension is in keeping with the householder and residential use of the property. No harm is anticipated upon the amenity of residents nearby albeit the proximity between development and the adjoining property No. 40A

On balance, no adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

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.

Taking into account the above, this application accords with Policies 1, 2, 3, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Section 12 of National Planning Policy Framework (2019).

Accordingly, it is recommended to approve this 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.