

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H13-0130-20 **Applicant:** Mr M Ogunade
Proposal: Front porch extension, garage conversion and creation of rear dormer
Location: 7 Benton Close Moulton Chapel Spalding
Terminal Date: 20th October 2020

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	1	0	0
WARD MEMBER	0	0	0	0
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder planning application for proposed front porch extension, garage conversion and creation of rear dormer at 7 Benton Close, Moulton Chapel, Spalding.

The initial plans proposed a box shaped dormer including four windows. After following discussions

with the agent, revised plans were submitted showing a shed roofed dormer. The number of four windows remains.

In view of the material considerations below, the proposed rear dormer constitutes permitted development under Class B of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Planning permitted development rights were not removed from the application property neither in the outline permission for the residential scheme to which belongs to (H13-0641-98) nor in subsequent permissions.

Site Description

The site adjoins the cul-de-sac end of Benton Close. The property is a high pitched bungalow with habitable loft space. Two gable pitched dormer windows arise on the front roof slope. There is also a dual pitched porch on pillars. To the front, there is slab paved driveway and gravel area. To the rear, a nearly 2 metre high timber close boarded fence conceals the garden. Mature conifers, shrubs and a leafy willow stand across the garden. The rear part of the site mostly backs onto the garden of the property at No. 32 Roman Bank to the south.

A certain variety of designs and appearances has been observed in the vicinity. All properties are detached dwellings which are part of the residential scheme approved under application ref. H13-0641-98 and subsequent permissions. The adjacent properties No. 6 (east) and No. 8 (west) are also bungalows albeit in shorter pitch.

History

None

Consultation Responses

Two residents have made representations against the proposal.

The main issue is the overlooking effect from the proposed rear dormer windows onto the rear gardens and even habitable spaces of adjacent dwellings.

Planning Considerations

Principle of development

The site is within the settlement boundary for Moulton Chapel as set out in the South East Lincolnshire Local Plan (SELLP), 2019. The principle of extensions that are ancillary to a dwelling 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, 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 in accordance with Policy 2 of the SELLP.

The proposed front extension will protrude 2.8 metres from the front elevation. It will measure 2.77 metres in width and 3.60 metres in maximum height. The resulting material increase will not appear excessive to the existing porch which will be replaced.

The rear dormer will be set back approximately 65 centimetres from the outer edge of the eaves, and 80 centimetres from the gable pitch of the dwelling. It will extend nearly the full width of the roof slope. The form of development is such that the rear dormer will be subservient to the host property

in terms of scale and height.

The front porch will be bricked in all external elevations. A hip roof will be on top of the porch which will provide further variety to the mixture of gable pitches on front dormer windows and shed roof on the rear dormer. Formerly, the proposals include a box style rear dormer. The revised plans have replaced the flat roof for a shed roof which will avoid an eyesore and contribute to soften the sharpness of the form of development and, ultimately, deliver a high quality designed loft conversion.

Facing brickwork and roof tiles of the front porch are proposed to match the existing in the host property. The rear dormer will have white UPVC cladding on the external walls and roof tiles matching the existing in the front dormer windows. Overall the development will be in keeping with the external appearance of the property and the visual amenity will result preserved.

In summary, the proposed works will create a sympathetic form of development and appearance with the host property and adjacent properties. Thus, the development will accord with the aforementioned policies concerning design, layout and impact upon character of the local area.

Residential amenity

The scale and height of the front porch is commensurate with the dimensions of the property. This enlargement is greatly separated from the adjacent properties, thereby no harm upon the amenity of residents nearby is anticipated by reasons of overbearing and overshadowing effect.

There have been objections received during the consultation process. The main issue is the potential overlooking effect from the windows of the proposed rear dormer to the adjacent rear gardens. It worth mentioning that the property currently has roof lights on the rear roof slope which might already lead to somewhat overlooking effect. In fact the proposed windows will be larger than the existing roof lights even though the field view and angle of vision will be similar. The loft users will have still restricted vision to both sides (gardens of properties at No. 6 and 8) and direct views onto the rear gardens of properties at Roman Road.

However, the direct views would not create a significant loss of privacy neither in the exterior amenity areas nor habitable spaces. The garden of the application property is approximately 10 metres long and the lengths of rear gardens of properties No. 30, 32 and 34 Roman Bank are in the region of 30 metres. Furthermore, the nearest and approximate distances between the rear dormer windows and the rear elevations of No. 30, 32 and 34 Roman Bank are 43, 34 and 33 metres respectively.

Given such separation distances and garden dimensions, it is considered that the erection of proposed rear dormer will not significantly exacerbate any overlooking effect albeit the contrary perception. On balance, the development complies with residential amenity which is one of the key principles of design and development management as set out in Policies 2 and 3 of SELLP (2019).

Car parking provision

The proposed works will not entail the increase of number of bedrooms. The total number will remain in 3.

Appendix 6 of SELLP sets out minimum requirements for parking provision. 2 no. car parking spaces are at least required within the curtilage for dwellings with up to 3 bedrooms in order to prevent on-street parking. Such number of parking spaces are easily accommodated in the front driveway. Therefore, the proposed development will be acceptable on the grounds of car parking provision in accordance with Appendix 6 of SELLP.

Conclusion

The shed roof for the rear dormer is well-regarded in comparison with the formerly proposed box dormer. Although some concerns on overlooking effect from the intended dormer, the field view from the new openings and existing separation distances with properties to the south will not entail any exacerbation of overlooking effect respecting the current roof lights on the rear roof slope.

Taking into account the considerations above, the proposal is considered to comply with Policies 1, 2, 3 and 36 as well as Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019; and

also Sections 12 of the National Planning Policy Framework (NPPF), 2019.

It is accordingly recommended to approve 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.