DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H13-0721-21**	**Applicant:**	**Mr R Li**
Proposal:	Demolition of existing conservatory and erection of single storey rear extension and first floor extension above garage		
Location:	7 Ashby Gardens Moulton Spalding		
Terminal Date:	3rd September 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

NPPF (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
RESIDENTS	1	0	0	2

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for the demolition of the existing conservatory and erection of a single storey rear extension and first floor extension above garage. The single

storey rear extension would measure 4.6 (depth) x 8.9 metres (width). The first floor side extension would measure 3.4 metres (width) x 8.7 metres (depth). The ground floor extension would create a kitchen/dining room. The first floor extension would create 1 new bedroom with an en-suite bathroom. The proposal also includes converting the existing garage to the side into gym/plant room/play room. The existing brickwork is proposed to be painted natural slate grey and the side extension is proposed to be timber cladded in siberian larch.

SITE DESCRIPTION

The property is a detached two storey dwelling on located on Ashby Gardens in Moulton. The dwelling is red brick built with white window frames and garage door. There is a single flat roofed attached garage to the side and a driveway to the front providing further off-street parking. The immediate area is primarily residential with dwellings of varying sizes and designs.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

Residents

3no letters of objection have been received siting the following concerns:

-The design and materials of the extensions are not in keeping with the area
-Concerns of fire safety due to the use of cladding
-Disruptions during the construction period

PLANNING CONSIDERATIONS

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.

A number of local residents have raised concerns with regards to the design of the side extension, the use of cladding and painting of the existing exterior brickwork.

The concerns are noted, however, it is not considered that any unacceptable detrimental impact would result on the character and appearance of the area. Although the use of cladding and painted brickwork is not seen in the immediate area, given the use of various coloured bricks in the street it would not result in the application dwelling being unacceptably out of character. The existing brickwork can be painted without planning permission as this is not considered to be development.

The proposed extensions are considered to be proportionate to the size of the existing dwelling and the plot. The site is big enough to comfortably accommodate the proposed extensions without resulting in overdevelopment of the site and would also retain an adequate amount of outdoor amenity space. Given the set back of the dwelling from the highway boundary the proposed extensions would not appear overly prominent in the street scene. In addition, the ridge of the roof on the side extension would sit lower than the existing roof ridge, providing an element of subservience.

The proposed garage conversion would involve replacing the garage door with a window. This aspect is considered minor and would not significantly change the overall appearance of the dwelling.

As such the extensions would on balance comply with the aforementioned policies on design, layout and impact upon the character of the local area.

Impacts upon Residential Amenity

The closest neighbour to the proposed development is no.5 Ashby Gardens located to the east of the site. The proposed side extension would bring the application site closer to this neighbour at first floor level. The side extension would be located 1.4 metres from the shared boundary with this neighbour and a further 1 metre from this neighbours closest elevation. Given this neighbour does not have any primary windows in its side elevation facing the application site, this separation distance is considered to be sufficient as to not result in any overbearing impact or unacceptable overshadowing. Furthermore no first floor windows are proposed in the side elevation facing this neighbour therefore there are no overlooking or loss of privacy concerns. With regards to the single storey rear extension, this would be located the same distance as the first floor extension and would project approximately 1.3 metres beyond the rear elevation of this neighbour. Given the single storey nature of the extension and the modest rear projection, this separation distance is considered to suffice.

With regards to the neighbour to the west of the application site at no.9 Ashby Gardens the proposed side extension would not be visible to this neighbour as it would not extend beyond the front/rear elevations of the existing dwelling therefore it would be blocked by the applicants existing house. The rear extension would be located approximately 1.5 metres from the shared boundary with this neighbour and would have a similar rear projection to the existing conservatory therefore the relationship with this neighbour is not considered to be significantly I unacceptably different to the existing.

With regards to the neighbours to the rear the proposed extensions would be located at a significant distance therefore no overbearing impact would result. The proposed window at first floor in the rear elevation would not be any closer to the rear neighbour than the existing first floor windows on the rear elevation. As such no new impact is considered to result.

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).

Parking

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision. The proposed scheme would increase the number of bedrooms in the property from 3 to 4, increasing the parking requirement for the site from 2 to 3no spaces. There is sufficient space to the front of the property to accommodate at 3no vehicles. As such the scheme complies with the current parking standards.

Other matters

Local residents have raised concerns with regards to fire safety due to the use of cladding and disruptions during the construction period. The concerns are noted, however, the suitability and safety of materials would be considered by building regulations. With regards to possible disruptions during the construction period, given the small scale nature of the development this would be for a temporary period and within acceptable tolerances therefore it is not considered reasonably to restrict this or resist the scheme on this basis.

Planning Balance

On balance, the proposal will not materially harm the character or appearance of the locality or 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 2, 3, 28 and 36 of the South East Lincolnshire Local Plan (2019) and Sections, 2, 12 and 14 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.