DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0984-21**	**Applicant:**	**Mrs S Foreman**
Proposal:	Proposed extensions & alterations		
Location:	Batemans House Red Cow Drove Moulton Marsh		
Terminal Date:	15th November 2021		

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for single storey side and rear extensions to create a garden room and a kitchen. The side extension would measure 2.8 metres (width) x 5.3 metres (depth) and stand at 3.5 metres in height (4.4 metres including roof lantern). The rear extension would measure 6.3 metres (depth) x 4.9 metres (width) and stand at 3.6 metres in height (4.5 metres including roof lantern). The walls would have dark grey composite shiplap boarding, the roof would be bitumen felt and the doors/windows would be white upvc

SITE DESCRIPTION

The application site comprises a two storey detached dwelling located on Red Cow Drove in

Moulton Marsh. The property is red brick built with white door/window frames. There is a large gravelled driveway to the front. The site is located outside any settlement boundary and within the open countryside. There are a few dwellings scattered along the road but the immediate area is predominately open countryside.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

No representations received.

PLANNING CONSIDERATIONS

Principle of development

The site is outside any defined settlement boundary, however, the proposed works 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 flat roofed extensions are not considered ideal, however, the footprint is proportionate with the existing dwelling and the overall plot size. 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. The rear extension would be blocked by the existing house therefore it would not be visible from the main public realm therefore this element would result in little impact on the street scene.

The side extension would have a small side projection and would appear subservient in relation to the existing house. Whilst matching elevational materials would have been preferred for the side extension, given the small footprint of the extension and the fact its size meets the permitted development criteria, albeit the height exceeds the permitted development allowances, the use of shiplap can on balance be accepted.

As such on balance, 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

Given the remote location of the property there are no immediate neighbours. As such no unacceptable impact would result on neighbouring amenity and the proposal would therefore 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 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 the 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.