

## DECISION DELEGATED TO DEVELOPMENT MANAGER

**Application No:** H14-0128-19      **Applicant:** Mr R Gay  
**Proposal:** Proposed two-storey extension  
**Location:** 52 Rotten Row Pinchbeck Spalding  
**Terminal Date:** 5th August 2019

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### 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 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      | 0      | 0       | 0       | 1        |

### CASE OFFICER ASSESSMENT

#### Proposal

This is a householder planning application for proposed two-storey extension at 52 Rotten Row, Pinchbeck, Spalding.

#### Site Description

The site is part of a frontage of old semi-detached two-storey properties on the western side of Rotten Row. The dwellings stand in long narrow linear plots and fairly set back from the highway. A

railway runs further to west. Whilst continuity has been noticed along the property's frontage, further variety in designs and appearances has been observed opposite the road since the houses were individually designed and built at a later stage.

## **History**

None

## **Consultation Responses**

### Residents

One representation was made raising the issue of party wall treatment due to the proposal. This is a dispute between party wall owners that needs to be addressed under Party Wall etc. Act 1996 and it does not constitute a planning material consideration. Therefore, little weight is given to this issue throughout the assessment of this planning application.

### Pinchbeck Parish Council

No objection.

## **Planning Considerations**

### Principle of development

The site location is within the settlement boundaries of Pinchbeck as set out in the Inset Map 2 of South East Lincolnshire Local Plan, 2019. The principle of development for the proposal is acceptable unless material considerations indicate otherwise as laid down in section 70(2) of the Town and Country Planning Act 1990.

### Size and scale

The proposed development would be a two-storey rear/side extension. The existing conservatory, veranda, decking and garden shed in the rear patio would be removed to carry out the proposal. The extension would protrude 1.80 metres from the southern side elevation and would extend as much as the original rear party wall extension. The maximum height would be roughly 6 metres. Having regard to the dimensions of the existing house, it is concluded that the proposed development would be subservient to the host property in terms of scale, mass and bulking.

### Layout and design

The floor plans show that the proposal is aimed to increase the floorspace to accommodate a combined large kitchen/dining area on the ground floor level and an ensuite master bedroom on the first floor level. The purpose of the development is acceptable given the increasing daily needs of the current occupiers and overall the use of the building.

The former proposal works included a flat roof covering the entire extension. Such roof layout had materially increased the sense of the bulk and had resulted in a form of development out of character. Amended plans have been submitted showing a hip roof on top of the front part of the extension with a flat roof to the rear. In doing so, the proposed roof would be in keeping with the current roof of the main property and in line with the character of the area without unduly creating any detrimental visual impact. Facing brickwork would be proposed on the rear elevation whereas render would be applied on the southern side elevation. In the absence of material details, a planning condition should be added to ensure that the brickwork matches as closely as possible to that existing in the property.

In view of these considerations, the design of the proposal would be sympathetic to the scale and character of the existing dwelling and its surroundings.

### Impact upon residential amenity

No fenestration is proposed on the side elevation of extension. The openings are proposed on the rear elevation onto the rear garden with no overlooking to any adjacent property. The rear part of the extension stands side by side with the party wall lean-to element within the curtilage of No. 54.

However, the lean-to pitch is fairly high and the material increase after carrying out the proposal would not reduce daylight onto any habitable space of the property No. 54 neither would be easily visible from the neighbours. The render to apply on the side elevation of the extensions would somewhat shimmer the opposing elevation at No. 50 which is not actually oriented to receive excessive daylight over the day.

For these reasons, the proposed development is designed to the extent that no harmful impact would occur upon the amenity standards of adjacent residents.

## **Conclusion**

In light of considerations above, the proposed development is in accordance with Policy 1, 2 and 3 of South East Lincolnshire Local Plan, 2019 and Section 12 of National Planning Policy Framework, 2019.

It is therefore 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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.