

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0346-23 **Applicant:** Mr M Davies

Proposal: Proposed front porch extension and raising of existing garage/utility flat roof

Location: 22 Penway Drive Pinchbeck Spalding

Terminal Date: 12th June 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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	1
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for a replacement front porch extension and raising of existing garage/utility flat roof. The roof would be raised from 2.4 metres to 3 metres. The footprint of the replacement porch would be the same as the existing. The external elevational materials would match the existing dwelling.

SITE DESCRIPTION

The site is located on Penway Drive in Pinchbeck. It comprises a two storey buff brick built detached dwelling located on a residential street. The site has an attached single garage to the side and a flat roof porch element to the front. There is a paved driveway to the front providing off-street

parking provision for 2no vehicles. The immediate area comprises dwelling of similar ages, designs and sizes.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

Pinchbeck Parish Council

No objections as Penway Drive has a mix of house types and styles, some of which have been modified over the years.

PLANNING CONSIDERATIONS

Design and layout

Paragraph 130 of 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. 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 proposed development would result in little discernible difference as the footprint of the replacement porch would be the same as the existing and the increase in the height of the garage would not significantly change the overall appearance of the site. The external elevational materials would match the existing dwelling therefore the changes would be in keeping and sympathetic to the existing dwelling.

As such the development is considered acceptable in terms of its impact on the character of the area and the existing dwelling and therefore accords with Policies 2 and 3 of the SELLP and the Section 12 of the NPPF.

Residential amenity

Paragraph 130 of National Planning Policy Framework (2021) 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 proposed replacement porch and increase in the height of the flat roof element is not considered to unacceptably impact neighbouring amenity given the separation distance and relationship with the two adjacent neighbours.

As such, the proposals are not considered to unacceptably harm the residential amenity of adjacent neighbours by reason of unacceptable overshadowing or overlooking.

Planning Balance

The proposal will not materially harm the character or appearance of the site of the area or the amenity of nearby residents. The planning balance is therefore considered to be in favour of the proposal.

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 2 and 3 of South East Lincolnshire Local Plan (2019) as well as Section 12 of the National Planning Policy Framework (2021).

Accordingly, it is recommended to approve this application via delegated powers.

Additional Considerations

None.

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.