

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H14-0399-21 **Applicant:** Mr S Squance
Proposal: Erection of Conservatory - Retrospective
Location: 3 Mill Green Road Pinchbeck Spalding
Terminal Date: 18th June 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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	0	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking retrospective permission for a single storey extension to the side/rear of the dwelling. It measures 4.2 metres (width) x 4.3 metres (depth) and stands at 2.5 metres in height. Externally it would be rendered and painted cream.

SITE DESCRIPTION

The property is a two storey semi-detached dwelling located on Mill Green Road in Pinchbeck. It is outside any settlement boundary and on land classed as open countryside. The dwelling is red brick

built with white door/window frames. There is a small canopy element above the front door. The front garden is gravelled and has parking provisions for several cars.

RELEVANT PLANNING HISTORY

None.

REPRESENTATIONS

None.

PLANNING CONSIDERATIONS

Principle of development

The site is outside any settlement boundary and within the open countryside. Given the proposed development would be within the residential curtilage of the existing dwelling the principle of a house extension that is incidental to the enjoyment of a 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 127 of the 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, 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 extension is considered proportionate to the existing dwelling. The small side projection and modest height ensures the extension does not appear overly prominent in relation to the existing dwelling. Whilst a flat roof extension is not ideal, given its set back from the front boundary and minor side projection it can be accepted as it is considered a minor addition. The use of matching brickwork would have been preferred, however, the proposed rendered finish is not considered to unacceptably impact the overall appearance of the dwelling and can on balance be accepted.

As such the extension would 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 the attached neighbour at no.3 Mill Green Road located to the south-west of the application site. The extension would not be visible to this neighbour as it does not extend beyond this neighbour's rear projecting element along the shared boundary with this neighbour. As such the extension would be blocked by the existing rear projecting element therefore no unacceptable impact would result on this neighbour.

With regards to the neighbour to the north at no.2 Mill Green Road the extension is located at least 3.6 metres from the shared boundary with this neighbour and some 9 metres from its nearest elevation. This separation distance is considered sufficient as to not result in any overbearing impact or unacceptable overshadowing.

As such the proposal accords with Paragraph 127 of National Planning Policy Framework (2019) 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 development does not impact the parking arrangement for the site nor does it increase the parking requirement for the site. As such the scheme complies with the parking standards.

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

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.