

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0629-23 **Applicant:** Mrs J Robinson

Proposal: Demolition of conservatory and erection of a single storey extension - Retrospective

Location: 30 Viscount Close Pinchbeck Spalding

Terminal Date: 6th October 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 2023

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

The is a householder application seeking retrospective permission for the demolition of a conservatory and erection of a single storey extension.

Site Description

The site is situated within the settlement boundary of Pinchbeck as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). The property is semi-detached and shares it boundary with No. 32. It is made of brick with a tiled roof and white UPVC windows with a blue door, these materials are common throughout this area and makes it identical to other properties. In the rear garden there are multiple existing sheds to provide extra storage.

History

H14-0317-05 - Residential Development - Appeal Dismissed

H14-0361-09 - Erection of 33 affordable dwellings - Approved

Consultation Responses

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Planning Considerations

Layout, Design and Consideration of the Character and Appearance of the Area

Paragraph 130 of the National Planning Policy Framework (NPPF), 2023 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, that they are visually attractive, as a result of good architecture, and are sympathetic to local character. 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 height of the extension slopes down from the rear to the front, the rear height is 2.4m where as the height at the front is 2.3m. It protrudes from the rear elevation by 30.2m and is 3.34m wide. These measurements are considered to be proportionate and acceptable when compared to the host dwelling.

The materials the extension has been built out of are not considered to match that of the existing dwelling. The lower part of the wall will be built out of brick with the upper part being timber frame, the previous conservatory was made of bricks with uPVC glass. The roof was previously also made of polycarbonate panels where as the proposed is made of timber frame with a felt exterior. The windows and doors are made of uPVC. As the dwelling and other dwellings in the area are, of course, made of bricks the extension being made of timber frame does match and therefore is considered to look out of character and could be seen to create visual discrepancies. The roof design is flat, this style is not favourable by LPA's. However, as the extension is at the rear and is small when compared to the existing house it will not be visible from the highway and therefore should not impact the locality or the street scene and can be seen as acceptable.

It is therefore considered that due to these reasons the proposal is acceptable and conforms with Policies 2 & 3 of the SELLP and Section 12 of the NPPF.

Impact on Residential Amenity/Land Users

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The extension will not overlook into neighbouring properties due to their only being one window facing the rear and due to it being a single storey extension the windows will be on the ground floor and therefore will not overlook any fences and result in a loss of privacy.

The height of the extension means that it will only be slightly higher than the boundary fence, 0.4m at the rear and 0.3m at the front, due to this it is not considered that the extension will cause any significant overshadowing and therefore won't result in a loss of light despite being built on the boundary. In any case, if the neighbour was to suffer from loss of light there are other windows at the rear that will allow natural light to come into the room due to them being connected internally.

It is therefore considered that the extension is in accordance with Policies 2 & 3 of the SELLP and Section 12 of the NPPF and will not significantly impact the neighbouring properties by way of overlooking or overshadowing/loss of light.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality despite the materials and roof design due to it being at the rear of the property, or amenity of nearby residents due to the height and extra windows providing more natural light, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 2 & 3 of the SELLP, along with the identified sections contained within the NPPF. The potential impact on the street scene and impact on residents are not considered to be significant enough factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above due to the relevant mitigations that have been previously mentioned.

It is recommended that the application is approved conditionally.

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 recommendation is for a delegated approval.