DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0860-21**	**Applicant:**	**Mr M Gibbs**
Proposal:	Single storey rear extension and internal alterations.		
Location:	35 Fennell Road Pinchbeck Spalding		
Terminal Date:	14th October 2021		

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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed single storey rear extension and internal alterations to the property at 35 Fennell Road, Pinchbeck.

Site Description

35 Fennel Road is a semi-detached property sitting in a cul-de-sac, closed off by the Pinchbeck East CofE Primary School. Fennel Road is largely characterised by similarly designed houses and

bungalows, seemingly all built at similar times as part of the Fennel Road housing development. However, despite the harmonious nature of property design on Fennel Road, a range of different brick types are on display.

History

No relevant planning history.

Consultation Responses

Welland & Deepings IDB - The Board's Fennell Road pipeline runs along the public footpath on the northern side of the site and is afforded the protection of a nine metre byelaw. The extension, whilst no closer than the main property, lies within the byelaw distance and would require the submission of an application for a relaxation of the nine metre byelaw in advance of any works which may or may not be granted. If a relaxation consent was to be granted, any foundations would need to be designed to resist movement as the Board would accept no liability should subsidence occur due to being in close proximity to the pipeline.

Pinchbeck Parish Council - Recommended for approval by Parish Councillors.

Planning Considerations

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 single storey rear extension will protrude from the rear elevation by approx. 4m by 7.5m in width. This will include the removal of the existing small conservatory to the rear of the garage to accommodate the new side elevation of the rear extension. The ridge height will be the same as existing. Having regard to the existing dimensions of the house, the proposed rear extension and alterations are acceptable in terms of scale, mass and bulk.

Facing brickwork on walls, concrete roof tiles and white UPVC in fenestration will match those existing in the property. A pitched roof will be formed over the proposed extension and will follow the same roof structure as the original dwelling. Thus, the development will appear well blended with the fabric of the house and visual amenity will not be undermined.

Internally, the purpose of the development is to gain further internal floor space for enlarging and creating new rooms inside the house. This includes alteration to the existing kitchen and living room, by creating a large open plan kitchen, dining and living space.

Overall, the proposals will ensure good living conditions for the house occupiers and are in keeping with the residential use of the property.

Taking the above into account, the proposed single storey rear extension and alterations are deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale.

Impact upon 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 windows include large bi-fold doors and high windows to the rear elevation and a kitchen window to the south side elevation of the proposed extension. There will also be two roof

lights on the south roof slope to allow natural light into the new space. The proposed windows to the rear are not considered to impact upon overlooking of neighbouring residential amenity due to there being no direct property to the rear. The kitchen window to the south elevation is not considered to be in direct view of the existing side first window on the neighbouring dwelling to the south given that it is set at an angle.

The proposed extension is not deemed as overbearing or will have an adverse impact in terms of overshadowing due to the single storey nature of the development and separation distance to boundaries (approx. 3.9m and 1.7m respectively).

Taking the above into account, the proposed extension is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity.

Planning Balance

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 proposed single storey rear extension and alterations will not materially harm the character or appearance of the locality or amenity of nearby residents. It is therefore considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 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.

Conclusion

The recommendation is for a delegated approval.