

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0934-21 **Applicant:** Mr & Mrs D Nieberg
Proposal: Extension & alterations to dwelling
Location: Emmanuel Cottage North Drove Spalding
Terminal Date: 4th November 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
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed extension above the existing double garage as well as alterations and an extension to the ground floor at Emmanuel Cottage, North Drove, Pode Hole.

Site Description

The existing dwelling is a detached house with an adjoining double garage. The dwelling sits within a large plot and is situated within the countryside, approx. 1.3km south of Pode Hole. There are only

a handful of residential properties on North Drove and the closest is associated with Cuckoo Farm to the south. The property is adjoined open fields to the west and north. There is a drain opposite.

Relevant History

H14-0359-09- Two-storey extension and alterations. Approved on 27-07-09

H14-0921-98- Proposed attached double garage to side of property. Approved on 30-10-98.

Consultation Responses

Pinchbeck Parish Council-
Recommended for approval.

Member of the public (1 comment) - Recommendation for a planning condition requiring the installation of a minimum of 3 swift nest bricks to provide enhancement for biodiversity.

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.

To the ground floor, a rear single storey extension is proposed that would protrude approx. 3.5m from the rear elevation between the existing lounge/dining area and garage to create an open plan kitchen, living and dining room. A new small porch will also be created to the front of the dwelling, along with alterations to the placement of the w/c, study and a new utility room. The existing sun room will become a new entrance/hallway with new stairs to the first floor. The new first floor extension would be directly above the existing garage and utility and the new porch to create a new master bedroom with an en-suite and dressing area. Taking into account the scale of the existing house and plot it sits within, the proposed extensions and acceptable in term of scale, mass and bulk, and the proposed internal alterations are in keeping with the residential use of the dwelling.

External materials are to match existing and the roof arrangement will compliment the existing, therefore the proposal will appear well blended with the fabric of the house and the visual amenity will not be undermined.

Taking the above into account, the proposed 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.

It is not considered that there would be a material impact on residential amenity in terms of the proposal being overbearing or creating an overshadowing or privacy impact given that the closest property is approx. 70m away.

Taking the above into account, the proposed 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 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 extensions 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.