

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-1211-21 **Applicant:** Mrs E Barker
Proposal: Two storey side extension
Location: 9 Linden Way West Pinchbeck Spalding
Terminal Date: 19th January 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development

National Guidance

National Planning Policy Framework 2021

Section 12 of the National Planning Policy Framework (2021)

12 - Achieving well-designed places.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This application is for a two storey side extension at 9 Linden Way, West Pinchbeck. The proposal seeks to provide a coat room, dining room and utility / shower room at ground floor level with a bedroom at first floor level. The bedroom will contain windows on the front and rear elevation. There are to be no first floor, side elevation windows. Materials of construction will be addressed by condition, with brick and tile expected to be as close to the brick and tile of the existing dwelling as

possible.

SITE DESCRIPTION

The proposal site is within defined settlement limits and the surrounding area is characterised by dwellings of a similar age and design. Dwellings are sited in all directions of the site. The dwelling is in Environment Agency Flood Zone 3 and in a "Danger for Some" hazard area, with a maximum predicted flood depth of 0.5 metres. As the side extension will be connected to the dwelling, there is not a requirement to raise finished floor levels.

HISTORY

No relevant history.

CONSULTATION RESPONSES

Member of the public (1 no. objection)

Overdevelopment of the site.

PLANNING CONSULTATIONS

Principle of development

The proposal site is within defined settlement limits and is for residential development on residential land. The principle of development in this location is considered to be acceptable.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the above relevant criteria the following can be observed:

1. The size, scale and layout is comparable to other two storey side extensions that have been approved in Linden Way and is not considered to materially impact the character and appearance of the area by virtue of this. No trees will be removed to facilitate this proposal. Residential development is located in all directions from the proposal site, so a residential extension in this location is not considered to impact the relationship to existing development and land uses.
2. The design is that of a standard two-storey extension and matches that of the existing dwelling. The orientation and footprint corresponds with the orientation and depth of the existing dwelling.
3. Exact materials would be addressed by condition but it is likely that they will be brick and tile. Certain materials are in short supply at the time of this application so the applicant may be waiting to secure the materials before submitting a condition compliance application to confirm exact details.
4. The footprint of the extension sits upon the patio and grass garden space to the side of the dwelling. The access and vehicle generation levels will not be impacted by this extension.

5. The proposal is not considered to impact existing community services and infrastructure.

6. There is not considered to be a noise, odour or disturbance impact from the proposal extension. With regard to overlooking, at ground floor level the windows/doors face the front driveway and the 1.8 metre high boundary fencing to the side and rear. There are no side elevation windows at first floor level, and a front and rear elevation windows are considered to represent a standard frontage orientation. The frontage bedroom window predominately faces the driveway and part of the open plan front garden that serves 11 Linden Way. The rear elevation bedroom window is approximately 3.6 metres from the rear boundary and 28 metres away from 8 Rural Avenue to the south at the nearest point. The window orientation faces south-easterly predominately toward rural fields and part of the rear gardens of 8 and 9 Rural Avenue. There is not considered to be a material overlooking aspect from anyway of the proposed fenestration at ground or first floor level.

With regard to overshadowing, the extension may lead to a very small loss of light to 11 Linden Way early in the morning but will not impact any other properties for the remainder of the day and is not material. The proposal is not considered to represent overdevelopment with a number of very similar two storey side extension applications on similar sized plots being approved at 4 Linden Way under H14-1612-04, 15 Linden Way under H14-0559-05, and 17 Linden Way under H14-0535-15.

There is not considered to be an overbearing impact from the proposed extension. The extension is 7.9 metres away from 11 Linden Way at the nearest point and is orientated in a south-easterly direction being some 14.35 metres away from 11 Linden Way from the most furtherly element of side elevation wall of the extension. The extension is not largely visible from the rear elevation windows and the eastern side elevation window of 11 Linden Way serve a landing so there is not considered to be an overbearing impact on this fenestration serving a non-habitable room. The ground floor eastern side elevation has a door that is approximately 7.9 metres from the extension and also beyond a 1.8 metre high boundary fence. There is not considered to be an overbearing impact upon this door.

7. The dwelling is in Environment Agency Flood Zone 3 and in a "Danger for Some" hazard area, with a maximum predicted flood depth of 0.5 metres. As the side extension will be connected to the dwelling, there is not a requirement to raise finished floor levels.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. 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.

Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:

1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;

11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

When assessed against the above relevant criteria the following can be observed:

1. The size, scale and layout is comparable to other two storey side extensions that have been approved in Linden Way and is not considered to materially impact the character and appearance of the area by virtue of this. No trees will be removed to facilitate this proposal. Residential development is located in all directions from the proposal site, so a residential extension in this location is not considered to impact the relationship to existing development and land uses.

5. The proposal does not impact the storage of bins, bicycles or the layout of car parking.

11. There is not considered to be a noise, odour or disturbance impact from the proposal extension. With regard to overlooking, at ground floor level the windows face the front driveway and the 1.8 metre high boundary fencing to the side and rear. There are no side elevation windows at first floor level, and a front and rear elevation windows are considered to represent a standard frontage orientation. The frontage bedroom window predominately faces the driveway and part of the open plan front garden that serves 11 Linden Way. The rear elevation bedroom window is approximately 3.6 metres from the rear boundary and 28 metres away from 8 Rural Avenue to the south at the nearest point. The window orientation faces south-easterly predominately toward rural fields and part of the rear gardens of 8 and 9 Rural Avenue. There is not considered to be a material overlooking aspect from anyway of the proposed fenestration at ground or first floor level.

With regard to overshadowing, the extension may lead to a small loss of light to 11 Linden Way early in the morning but will not impact any other properties for the remainder of the day and is not material. The proposal is not considered to represent overdevelopment with a number of very similar two storey side extension applications on similar sized plots being approved at 4 Linden Way under H14-1612-04, 15 Linden Way under H14-0559-05, and 17 Linden Way under H14-0535-15.

There is not considered to be an overbearing impact from the proposed extension. The extension is 7.9 metres away from 11 Linden Way at the nearest point and is orientated in a south-easterly direction being some 14.35 metres away from 11 Linden Way from the most furtherly element of side elevation wall of the extension. The extension is not largely visible from the rear elevation windows and the eastern side elevation window of 11 Linden Way serve a landing so there is not considered to be an overbearing impact on this fenestration serving a non-habitable room. The ground floor eastern side elevation has a door that is approximately 7.9 metres from the extension and also beyond a 1.8 metre high boundary fence. There is not considered to be an overbearing impact upon this door.

12. The dwelling is in Environment Agency Flood Zone 3 and in a "Danger for Some" hazard area, with a maximum predicted flood depth of 0.5 metres. As the side extension will be connected to the dwelling, there is not a requirement to raise finished floor levels.

The proposal accords with SELLP Policy 3.

PLANNING BALANCE

The proposed two storey extension can be accommodated on site without materially impacting the character of the surrounding area. There is not considered to be an overlooking impact from the ground and first floor windows, overshadowing will be minimal to 11 Linden Way first in the morning and only at certain times of the year. The proposal is not considered to represent overdevelopment and is comparable with other approved two storey extensions in Linden Way. This application accords with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, 2021.

CONCLUSION

The recommendation is approval.

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.