

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0075-23 **Applicant:** Mr N Thompson

Proposal: Proposed alteration and extension to house including repositioning of vehicular access

Location: 44 Cley Hall Drive Spalding

Terminal Date: 22nd March 2023

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 2021

Section 12 - Achieving Well Designed Places

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed extension and alterations to the property at 44 Cley Hall Drive, Spalding.

This application is a re-submission of the approved works under application ref. H16-0594-21. The differences between approved and proposed works will be assessed below.

The proposal is for the creation of a lounge and utility space to the rear of the property. This

extension will have a depth of 3164mm and a width of 6650mm. Additionally, there will be a covered patio, measuring 6650mm by 3600mm. A second patio will be installed on the south of the property, replacing the existing conservatory. To the eaves, the extension will measure approximately 2500mm. To the peak of the dual pitched roof will measure approximately 4000mm.

Internally, a new lounge will be created on the ground floor (created in the extended space). The garage will be converted into a home office. The existing lounge, kitchen and diner will be combined into an open plan kitchen-diner. On the first floor, the third bedroom will be replaced by an ensuite.

The proposed roof will be of blue-black imitation slate, with a dual pitched roof. Photovoltaic cells will be installed on the south side. The windows will be grey UPVC. The north facing wall of the property will be covered with vertical slate, while the office wall will be of brick to match 42 Cley Hall Drive. All other walls will be covered in off-white render.

Site Description

The property is within the settlement boundaries of Spalding. The character of the area is solely residential. The prevailing housing type is a two-storey detached dwellinghouse. A wide range of designs, appearance and ages have been observed across the area. The street pattern is based on cul-de-sac streets stemming from Halmer Gate as the main highway.

The site is long and rectangular. The property is two-storeys, standing within the building line along the western side of Cley Hall Drive. The plot benefits from a spacious, but irregularly shaped, rear garden. A low brick wall and pillars bound the site to the front. There is also a paved driveway leading to the side garage as well as some landscaping such as bushes and young trees.

Relevant History

H16-0077-23 - Full. Proposed entrance gate and boundary fencing. Undecided.

H16-0594-21 - Full. Proposed extension & alterations. Approved 15/07/21.

H16-0357-20 - Full. Proposed extension and alterations. Approved 24/04/20

H16-1060-18 - Full. Proposed extension and alterations. Approved 06/12/18

Consultation Responses

Highways and SUDS Department

"No objection. The proposed extensions to this dwelling would not be expected to have any material impact upon the safe operation of the adjacent highway. The access being at the opposite side of the plot frontage is no less acceptable in highway safety terms than it is in its present position. The proposal includes space for vehicle parking and manoeuvre within the plot and the inclusion of a remotely operated, sliding gate that will remove the need to park momentarily on the street while the gate is opened or closed and minimise the space required to allow the gate to open. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety and therefore does not wish to object to this planning application."

Planning Considerations

Principle of development

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.

The site is within the settlement boundaries of Spalding as set out in the South-East Lincolnshire Local Plan (SELLP), 2019. The principle of developing house extensions and alterations ancillary to the dwelling house is acceptable.

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. 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.

There are several differences between the proposed plans and those previously approved. Most notably, is the removal of bedroom three and four. Bedroom three will be replaced with an ensuite, and bedroom four, along with the connected changing rooms, will be replaced with a lounge. The approved garage will be replaced with a home office, with parking provisions being relocated to the driveway. The removal of the proposed bedrooms does alleviate any proposed parking concerns arising as a result of the loss of the garage. Finally, the proposed length of the extension has been reduced by approximately 236mm. This change is considered extremely minor.

The exterior materials and finishes will remain consistent with those approved under H16-0594-21.

Overall, the proposed alterations to the previously approved plans are considered acceptable and in accordance with the aforementioned policies.

Impacts Upon Resident Amenity

Paragraph 130 of 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 proposed alterations will create no additional overshadowing or significant overlooking. The alterations to measurements are extremely minor and will have no impact upon residential amenity and create no additional overshadowing. The window at bedroom one will be widened to form a Juliet Balcony. This will face to the west, onto the garden, meaning the balcony will not face onto any other property. While this addition would potentially encourage occupants to spend more time looking out the window, the change will not cause significant harm to residential amenity or privacy.

Therefore, the proposal is deemed to conform to Policies 2 and 3 of the SELLP in amenity terms.

Highway safety and parking provision

The alteration from H16-0594-21 to remove two bedrooms will reduce the required parking provisions from three to two. There will be ample room on the property's driveway to meet these requirements and still enter/ exit safely. The proposal will therefore conform to Appendix 6 and Policy 36 of the SELLP, even with the loss of the garage.

The access to the site will be positioned slightly to the south. the relevant consultee from the Highways Department stated that this will have no impact on highway safety. Visually the alteration will have no significant impact either.

The relevant consultee from the Highways Department has raised no objection to the proposals. They have stated that the proposed changes to the parking are acceptable and that the change in access position will have no material impact on highway safety.

Planning Balance

The proposed extension and alterations will not materially harm the character or appearance of the locality or amenity of nearby residents.

The tree T1, shown on the plans has already been removed as part of the original permission for the extension.

Taking into account the considerations above, the proposal is considered to comply with Policies 2, 3, 36 as well as Appendix 6 of the SELLP as well as Section 12 of the NPPF 2019.

Conclusion

The recommendation is for delegated 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.