

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0076-20 **Applicant:** Mrs Amanda Stoffel

Proposal: Two-storey extension to the side of the existing property creating a large kitchen diner downstairs and a bedroom and en-suite upstairs

Location: 3 Charlette Way Spalding

Terminal Date: 26th March 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a householder application for a two-storey extension to the side of the existing property creating a large kitchen diner downstairs and a bedroom and en-suite upstairs at 3 Charlette Way, Spalding.

The extension would project from the south-eastern elevation of the property (to the rear of the garage) by approximately 6.1m and would form a reverse 'L' shape. It would be approximately 6.6m deep, reducing to approx. 4.7m for the most westerly 815mm of the extension. The eaves height would be approximately 5.6m high and the ridge height would be approx. 7.4m at its lowest part, increasing to approx. 8.1m at its highest. The ridge line of the extension would be lower than that of the existing dwelling.

The extension would be approx. 80cm from the adjoining boundary with 4 Charlette Way at its closest point. Due to the angle and positioning of the properties, the extension would almost entirely be to the rear of the neighbouring property and therefore adjacent to their rear garden.

Site Description

The application site accommodates a detached property with attached double garage. It is located on a small residential cul-de-sac. The dwelling is set at an angle with the principal elevation facing in a north-westerly direction. There are detached dwellings to the east and west as well as on the opposite side of the road. There are semi-detached and terraced properties to the south, whose gardens adjoin the application site. The property immediately to the west (4 Charlette Way) is also set with its front elevation facing north-west.

History

None relevant.

Consultation Responses

- 1 public objection received (summarised) -
- Concern re potential for loss of light
 - Front and side elevations of extension bland and dark in appearance

Planning Considerations

Layout, Design and Scale

The extension would project from the south-eastern elevation of the property (to the rear of the garage) by approximately 6.1m and would form a reverse 'L' shape. It would be approximately 6.6m deep, reducing to approx. 4.7m for the most westerly 815mm of the extension. The eaves height would be approximately 5.6m high and the ridge height would be approx. 7.4m at its lowest part, increasing to approx. 8.1m at its highest.

The materials of construction are proposed to match existing, which is acceptable.

The only fenestration proposed is to the rear of the extension, therefore the front elevation is blank. The majority of windows on the front elevation as existing are confined to the eastern side so the opposite side of the house would appear even more dominated by brickwork. However, because the property is set back and views of the extension would largely be obscured by the neighbouring property's and host property's garages, it is not considered that this in itself would warrant a reason for refusal.

The proposed extension would be commensurate with the scale of the host dwelling and would appear subservient in so far as the ridge height would be lower than the existing dwelling and it would be set back from the principal elevation of the house. The curtilage is large enough to accommodate an extension of this scale.

Such an extension would generally be acceptable in a scenario where all properties are on the same 'building line' and not set at an angle. However, for the reasons set out in the section below, the layout and scale of the proposal is not considered to be appropriate in this instance. It is therefore contrary to Policy 2 of the Local Plan which requires sustainable development considerations to be met, including size, scale and layout and the relationship to existing development.

Impacts upon Residential Amenity

Due to the angle and positioning of 3 and 4 Charlette Way, the proposed extension would almost entirely be to the rear of the neighbouring property and would therefore also be adjacent to their rear garden.

Given the above, concern has been raised by an objector regarding the potential for loss of light to the neighbouring 4 Charlette Way.

The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight: A guide to good practice (2011)' sets out two rule of thumb tests to determine whether or not further detailed daylight and sunlight tests are required. Where extensions are perpendicular to a window, a 45 degree test is used.

After conducting a 45 degree BRE daylight/sunlight loss test on the plans provided, it has been concluded that more detailed tests are required due to the potential for loss of light to the dining room of the neighbouring property.

A daylight/sunlight study has not been submitted, therefore the Local Planning Authority cannot be content that the impact would be acceptable.

The proposed extension would be approx. 80cm from the boundary with the neighbouring property at its closest point and would effectively be a large blank wall. The existing separation distance between the property and the rear garden of the neighbouring property is approximately 3.8m. There is therefore also a concern that a two-storey extension would be overbearing in nature for the occupants of the neighbouring property and enjoyment of their garden could be unduly affected.

With regard to privacy, there are no windows proposed at first floor on either the front or side elevations so there should be no issues of overlooking the neighbouring property to the west. There would be approximately 15m between the rear facing elevation windows of the extension and those of existing properties to the south. However, the angle of the windows mean that overlooking in that direction is not a significant concern.

Overall, given that further evidence is required that the proposed extension would not have an adverse impact on daylight/sunlight levels to the property to the west, the proposal is not considered to be acceptable in terms of residential amenity. It is also considered that it would likely be overbearing in nature. The proposal therefore conflicts with Policy 3 of the Local Plan with regard to its provision for residential amenity.

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

In the absence of a daylight/sunlight study, the Local Planning Authority is unable to determine whether the impact of the proposed development on the property immediately to the west of the application site would be acceptable. Furthermore, it is considered that a two-storey extension would likely be overbearing in nature for the occupants of that property and enjoyment of their garden could be unduly affected. The proposal is therefore considered to be contrary to Policy 3 of the South East Lincolnshire Local Plan (SELLP), 2019 and Section 12 of the National Planning Policy Framework (NPPF), 2019.

The recommendation is therefore for a delegated refusal.