DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0097-21**	**Applicant:**	**Mr & Mrs D Smith**
Proposal:	Ground floor rear extension and alterations		
Location:	22 Clay Lake Spalding		
Terminal Date:	31st March 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 2019

Section 12 - Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a ground floor rear extension and alterations to the property at 22 Clay Lake, Spalding.

Site Description

The site is situated within the settlement boundary of Spalding and accommodates a semi-detached flat roofed dwelling. It is situated on the north-eastern side of Clay Lake within frontage residential development. To the other side of Clay Lake there are tennis courts belonging to the Spalding & District Tennis Club. The Spalding Parish CofE Day School is situated approx. 70m to the north/north-west of the dwelling.

The dwelling has a small grassed front garden with no boundary treatment. There is a long driveway along the side of the dwelling, which leads to a green outbuilding and the rear garden. The rear garden is of a spacious size. The dwelling to the rear is offset from that on the application site.

History

No relevant planning history.

Consultation Responses

No consultation responses received.

Planning Considerations

Layout, Design, Size and Scale

Paragraph 127 of the National Planning Policy Framework (NPPF), 2019 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 extension will project a maximum of approx. 3.4m from the rear elevation of the original dwelling and will have a maximum width of approx. 6.6m. Having regard to the existing dimensions of the house and plot it sits within, the proposed single storey rear extension is acceptable in terms of scale, mass and bulk.

A stone coloured smooth render is proposed for the external walls, which will match the existing. The windows and doors are proposed in a dark aluminium which is a contrast to the existing white PVCu windows. However, due to the extension being proposed to the rear, the contrast will not be directly visible from the main road and will not impact upon the character of the area.

A flat roof design is proposed for the roof structure of the extension, which will blend well with the existing flat roof of the host dwelling, the attached dwelling and two other dwellings along this road which have a flat roof design. Therefore the proposed flat roof is considered to be acceptable and appropriate in terms of design.

Internally, the purpose of the development is to gain further internal floor space for enlarging and creating new rooms inside the house. This includes the addition of a dining room, creating an open plan living, kitchen and dining area to the ground floor. Overall, the proposals will ensure good living conditions of the house occupiers and are in keeping with the residential use of the property.

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

Impact upon Residential Amenity

A small window and patio doors are proposed to the rear elevation of the extension. These are not deemed to impact upon overlooking of neighbouring properties to the rear due to the single storey nature of the proposal and properties to the near.

Given that the proposal would be a relatively minor addition to the original property and being of single storey, it is not considered that there would be a material adverse impact on residential amenity in terms of loss of light or being overbearing.

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, 2019 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 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.