DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0149-21**	**Applicant:**	**Mr & Mrs D Davies**
Proposal:	Extension & Alterations		
Location:	32 Aintree Drive Spalding		
Terminal Date:	30th April 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
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed first floor side extension and two storey rear extension (with internal alterations) to the property at 32 Aintree Drive, Spalding.

Site Description

The site is situated within the settlement boundary of Spalding within a predominantly residential area. It accommodates a detached dwelling with a relatively large rear garden. The dwelling is situated on the northern side of Aintree Drive and is directly opposite the junction of Chepstow Close.

The front garden is mostly grassed with no boundary treatment to the southern boundary. There is a

driveway which could accommodate a maximum of two cars. There is currently side access on the eastern side which leads to the rear garden.

Dwellings in the area are of a similar age and design, and have similar sized plots. The property to the west (no. 34) has had a similar extension to the side of the dwelling.

History

No planning history relevant.

Consultation Responses

Public (1 no. objection) - Overshadowing impact from rear extension

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 first floor side extension will protrude approx. 2.5m from the existing side elevation and will extend as far out as the existing garage at ground floor. The front elevation of that extension would be set back marginally from the front elevation of the property and would extend as far as the rear of the garage. The proposed two storey rear extension would project approx. 5.2m from the existing rear elevation. Having regard to the existing dimensions of the house and plot it sits within, the proposed extensions are acceptable in terms of scale, mass and bulk. Furthermore, there are other examples of properties in the vicinity being extended to the side at first floor and therefore it would not be out of keeping with the appearance of the area.

Facing brickwork on walls, roof tiles and UPVC fenestration will match those existing in the property. Thus, the development will appear well blended with the fabric of the house and visual amenity will not be undermined. Both extensions would have gable roofs which is in keeping with the original roof structure.

Internally, the purpose of the development is to gain further internal floor space for enlarging and creating new rooms inside the house. This includes a new dining area to the rear of the ground floor and a new snug area. The attached garage will also be converted into a storage room, with half of it accommodating a new w/c and a smaller storage room which will be accessed from the kitchen. To the first floor, the extensions will accommodate an additional bedroom (with en-suite and dressing area) with one of the existing bedrooms being enlarged. 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 extensions and internal 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

It is not considered that the proposed development would have a material adverse impact on residential amenity in terms of being overbearing or causing a material loss of privacy or light.

The proposal has been revised in light of concerns raised by a resident, with the proposed rear extension being re-located to the eastern, rather than western, side of the property. There is now an approx. 12m separation distance between the proposed extension and the existing single-storey extension to the rear of no. 34. This is an acceptable distance in planning terms.

There are no windows proposed to the side elevations at first floor, and rooflights would be well

above average eye level. The property to the rear is almost 30m away and the extension to the rear of no. 34 is single-storey. There would therefore be no material overlooking aspect.

The closest property to the proposed extension is no. 30. This dwelling has no side facing windows to be impacted by the proposed first floor side extension and the proposed rear extension would only project approx 2.7m beyond its rear elevation due to being set forward of no. 32. It would be a relatively similar relationship to that between other properties along this side of Aintree Drive due to the varied building line and it is not considered that there would be a material overbearing impact that would justify refusing the application.

Given the path of the sun and rear windows of these properties facing north there would not be a material loss of light to habitable rooms.

Taking the above into account, the proposed extensions are 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 proposal 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.