

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0177-23 **Applicant:** Mr P Wadsworth
Proposal: Side & Rear Extension & Alterations
Location: 7 Larkspur Way Spalding
Terminal Date: 24th April 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for single storey side and rear extensions to create a sunroom, utility and w/c. The side extension would measure 3.3 metres (width) x 6.2 metres (depth) and stand at 5.2 metres in height (2.3 metres to the eaves). The rear extension would measure 4 metres (width) x 2.5 metres (depth) and stand at 3.5 metres in height (2.3 metres to the eaves). The external materials would match the existing dwelling.

SITE DESCRIPTION

The site is located on Larkspur Way in Spalding. It comprises a two storey detached dwelling of red brick construction. The property benefits from a single attached garage with a gravelled driveway on front providing further off-street parking provision. The immediate area comprises modern residential dwellings. The site fronts open greenspace.

RELEVANT PLANNING HISTORY

REPRESENTATIONS

No representations received.

PLANNING CONSIDERATIONS

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; 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.

There would be glimpsed views of the side extension from the front of the site. Given its modest side projection and the fact it would be set back from the front boundary by some 15 metres, it is not considered to appear overly prominent in the street scene. Its design is also considered sympathetic in appearance and does not detract from the existing dwelling or the wider street scene. Furthermore the use of matching external materials would ensure the extension is in keeping with the existing dwelling.

The proposed rear extension would not be visible from the public realm given its siting. It would sit lower in height than the existing garage fronting the street therefore it would be blocked by the garage. As such this element would not result in any unacceptable impact on the street scene.

As such the extensions would comply with the aforementioned policies on design, layout and impact upon the character of the local area.

Impacts upon Residential Amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The closest neighbour to the proposed development is no.9 Larkspur Way located to the south of the application site. The proposed rear extension would be a small infill, not projecting beyond the applicants existing main rear elevation therefore given this, the separation distance and the relationship with this neighbour this element is not considered to result in any unacceptable impact on the amenity of this neighbour. The proposed side extension would bring the application dwelling 3.3 metres closer to this neighbour. Given the relationship with this neighbour, the orientation of the property and the single storey nature of the development this element of the proposal is also not considered to result in any overbearing impact or unacceptable overshadowing.

With regards to the neighbour to the east at no.5 Larkspur Way the proposed rear extension would be sited close to the shared boundary with this neighbour. However, given the modest footprint and height of the extension no unacceptable impact would result from this. The proposed side extension would sit 3.9 metres from this neighbours boundary and soe 13 metres from its closest elevation. As such no overbearing impact or unacceptable overshadowing would result.

In respect of no.14 Foxglove Court the closest part of the proposed development would be located 10 metres from the shared boundary with this neighbour. Given the single storey nature of the development this separation distance is considered sufficient as to not result in any unacceptable impact on the amenity of this neighbour.

As such the proposal would accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Planning Balance

The proposal will not materially harm the character or appearance of the locality or the amenity of nearby residents. The planning balance is therefore considered to be in favour of the proposal.

CONCLUSION

In light of the considerations above, the proposal is considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (2021).

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.

RECOMMENDATION

The application can be approved under delegated powers.