

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0178-22 **Applicant:** Miss T Wallace
Proposal: Extension & Alterations
Location: 40 Clay Lake Spalding
Terminal Date: 18th April 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development

National Guidance

National Planning Policy Framework 2021

12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application for an extension and alterations at 40 Clay Lake, Spalding. The proposal seeks to provide two ground floor rooms in an extension projecting 1.66 metres off the side elevation and 4.26 metres in depth. The flat roof extension will be 2.7 metres in height. The external front elevation top floor and extension on the ground floor are to be covered in thermo wood with the rest of the house to keep existing rendering and be repainted off white. Rooflights that accord with permitted development criteria are to be sited in the eastern rear roof slope and the south side roof slope.

SITE DESCRIPTION

The site is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and designs. 38 Clay Lake is attached to this semi-detached dwelling immediately to the north, with 22 Mulberry Way beyond the rear boundary to the east, 42 Clay Lake is beyond a 1.8 metre high boundary fence to the south and 2 Holyrood Walk on the opposite side of Clay Lake to the west. The site is in Environment Agency Flood Zone 3 and in a "Danger for All" flood hazard area with a maximum predicted flood depth in excess of 2 metres on the 2115 South Holland Strategic Flood Risk Mapping. As the proposal is for an extension to the dwelling, there is not a requirement to raise finished floor levels to address flood risk.

HISTORY

None

CONSULTATION RESPONSES

South Holland Internal Drainage Board

"I note the presence of the piped Board Adopted watercourse A07 Nursery Dyke (DRN192P0701) within the site boundary, and that the applicant intends to do works within 9 metres of this watercourse. Therefore, consent is required to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure)."

"Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents. As such I strongly recommend that the required consent is sought prior to determination of the planning application."

PLANNING CONSIDERATIONS

Principle of development

Assessment against SELLP Policy 2 - Development Management

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout of the extension is considered to be appropriate for the site. No trees will be removed to facilitate this proposal. The character and appearance of the area will not be impacted by this proposal. The extension is not prominent in the streetscene and the change of external materials will not impact the visual amenity of the area, with the dwellings in the vicinity not subject to a defined built character.
2. The design of the extension is considered to be appropriate for the site with the orientation appropriate for the amenity of the occupants and neighbouring properties.
3. The proposed materials of render and boarding are considered to be appropriate for the site and do not impact the character of the surrounding area.
4. The access is not being altered and neither is off road parking provision which remains at two places. This accords with Appendix 6 of the SELLP for dwellings with three bedrooms or fewer.
5. The capacity of existing community services and infrastructure is not impacted by the proposal.
6. There is not considered to be a noise, odour or general disturbance impact from the proposal. With regard to visual intrusion the following can be observed:

Overdevelopment - The proposal is not considered to constitute overdevelopment. There is ample amenity space to the front and rear of the property.

Overshadowing - There is not considered to be an overshadowing impact from the proposed extension height of 2.75 metres. The semi-detached dwelling at 38 Clay Lake to the north has a blank elevation lean to extension adjacent to the proposed extension at number 40.

Overlooking - The proposed extension windows are sited at ground floor level. and face 1.8 metre high fencing. There is not considered to be an overlooking impact from these windows.

7. The site is in Environment Agency Flood Zone 3 and in a "Danger for All" flood hazard area with a maximum predicted flood depth in excess of 2 metres on the 2115 South Holland Strategic Flood Risk Mapping. As the proposal is for an extension to the dwelling, there is not a requirement to raise finished floor levels to address flood risk.

Assessment against SELLP Policy 3 - Design of New Development

When assessed against the relevant criteria the following can be observed:

1. A sense of place is not considered to be impact by this proposal to the side and rear of the dwelling. The size, scale and layout of the extension is considered to be appropriate for the site. No trees will be removed to facilitate this proposal. The character and appearance of the area will not be impacted by this proposal. The extension is not prominent in the streetscene and the change of external materials will not impact the visual amenity of the area, with the dwellings in the vicinity not subject to a defined built character.

5. There is ample space on site for cycle and bin storage. The access is not being altered and neither is off road parking provision which remains at two places. This accords with Appendix 6 of the SELLP for dwellings with three bedrooms or fewer.

11. There is not considered to be a noise, odour or general disturbance impact from the proposal. With regard to visual intrusion the following can be observed:

Overdevelopment - The proposal is not considered to constitute overdevelopment. There is ample amenity space to the front and rear of the property.

Overshadowing - There is not considered to be an overshadowing impact from the proposed extension height of 2.75 metres. The semi-detached dwelling at 38 Clay Lake to the north has a blank elevation lean to extension adjacent to the proposed extension at number 40.

Overlooking - The proposed extension windows are sited at ground floor level. and face 1.8 metre high fencing. There is not considered to be an overlooking impact from these windows.

7. The site is in Environment Agency Flood Zone 3 and in a "Danger for All" flood hazard area with a maximum predicted flood depth in excess of 2 metres on the 2115 South Holland Strategic Flood Risk Mapping. As the proposal is for an extension to the dwelling, there is not a requirement to raise finished floor levels to address flood risk.

Proximity to a South Holland IDB adopted piped watercourse

A telephone call was received from the applicant to discuss this matter and it was agreed with the applicant that this matter could be addressed by an informative.

PLANNING BALANCE

It is considered that the proposed flat roof extension by virtue of it's height and location will not materially impact the character and amenity of the surrounding area. The proposed render and boarding is not considered to impact the built character of the surrounding area. The proximity to a IDB maintained piped watercourse will be addressed by an informative on the decision notice. This application accords with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, 2021.

CONCLUSION

This application is recommended for 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.