DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0308-22**	**Applicant:**	**Mr A Bates**
Proposal:	First Floor Extension		
Location:	2 The Raceground Spalding		
Terminal Date:	17th June 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
28	The Natural Environment

National Guidance

National Planning Policy Framework 2021

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 at 2 The Raceground, Spalding for a first floor extension. The proposal seeks to provide a bedroom with a rear elevation window. The bedroom will be sited above a kitchen which will be extended to the side of the existing kitchen and cover up a lounge window. The proposal will be 1.48 metres from the side boundary with 1 The Raceground and will not project any further than the existing rear elevation wall. Proposed materials will be brick, tile and render to match that of the existing dwelling and would be conditioned as such.

SITE DESCRIPTION

The site is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and designs. The site is in Environment Agency Flood Zone 3, and is not subject to

increased flood hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping.

HISTORY

None

CONSULTATION RESPONSES

None

PLANNING CONSIDERATIONS

Principle of development

This application is residential development on residential land within defined settlement limits.

The principle of development is considered to be acceptable in this location.

Assessment against SELLP Policy 2 - Development Management

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

1. The size, scale and layout is considered to be appropriate for the site. No trees will be removed to facilitate this proposal. The character and appearance of the area is not affect by this extension which is positioned to the rear of the dwelling.

2. The design and orientation is above that of the existing kitchen projection.

3. Render, brick and tile is to match that of the existing dwelling. The proposed materials are considered to be appropriate for the site and would be conditioned as such.

4. The existing access and off road parking provision will not be impacted by this proposal.

5. The capacity of existing community services and infrastructure is not impacted by this proposal.

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

Overdevelopment - The proposal will not be increasing the footprint of the dwelling and is not considered to represent overdevelopment.

Overlooking - The bedroom rear elevation window is 10 metres from the rear boundary beyond which the rear garden of Treetops is sighted. The window is not considered to provide a new overlooking aspect.

Overshadowing - When a 45 degree right to light line is drawn from the extension the line exceeds halfway across the middle of the adjacent first floor bathroom window at 1 The Raceground. However, this is not considered to be to a material degree and no complaints have been received from the neighbouring property.

7. The site is in Environment Agency Flood Zone 3, and is not subject to increased flood hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping. There is not a requirement to raise finished floor levels in this location or for an extension to a dwelling.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

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

1. The size, scale and layout is considered to be appropriate for the site. No trees will be removed to facilitate this proposal. The character and appearance of the area, or a sense of place is not affect by this extension which is positioned to the rear of the dwelling.

5. The existing access and off road parking provision will not be impacted by this proposal, nor will cycle or bin storage.

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

Overdevelopment - The proposal will not be increasing the footprint of the dwelling and is not considered to represent overdevelopment.

Overlooking - The bedroom rear elevation window is 10 metres from the rear boundary beyond which the rear garden of Treetops is sighted. The window is not considered to provide a new overlooking aspect.

Overshadowing - When a 45 degree right to light line is drawn from the extension the line exceeds halfway across the middle of the adjacent first floor bathroom window at 1 The Raceground. However, this is not considered to be to a material degree and no complaints have been received from the neighbouring property.

12. The site is in Environment Agency Flood Zone 3, and is not subject to increased flood hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping. There is not a requirement to raise finished floor levels in this location or for an extension to a dwelling.

This application accords with SELLP Policy 3.

PLANNING BALANCE

Due to the design and location to the rear of the dwelling there is not considered to be a material impact on the character or amenity of the surrounding area. 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.