

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0329-22 **Applicant:** Mr T Bradshaw
Proposal: Proposed extension & alterations
Location: 9 Helmsley Way Spalding
Terminal Date: 25th May 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 9 Helmsley Way, Spalding for a proposed extension and alterations. The proposal seeks to provide an extended garage and porch to the front at ground floor level, with a bedroom above. This bedroom will be served by an en-suite with an obscure glazed, north facing, side elevation first floor window. Brick and tile would be 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 a similar age and design. The property is in Environment Agency Flood Zone 3, and is in a "Danger for All" hazard area with a maximum predicted flood depth of over 2 metres on the 2115 South

Holland Strategic Flood Risk Mapping. As the proposal seeks an extension to the existing dwelling there is not a requirement to raise finished floor levels to address flood risk.

RELEVANT HISTORY

None

CONSULTATION RESPONSES

None

PLANNING CONSIDERATIONS

Principle of development

This application is for residential development on residential land. The principal of development in this location is considered to be acceptable.

Assessment against SELLP Policy 2 - Development Management

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

1. There is not considered to be a material impact on amenity from the size, scale and layout. No trees will be removed to facilitate this proposal. There is not considered to be a material impact on the character and appearance of the area from the proposal.
2. The proposed design is in keeping with the surrounding area, and the orientation is acceptable.
3. Proposed brick and tile is to match that of the existing dwelling and would be conditioned as such.
4. The existing access is not being altered and the site provides three off road parking spaces which accords with the minimum requested amount of three off road parking spaces for dwellings with four bedrooms or greater under Appendix 6 of the SELLP.
5. The capacity of existing community services and infrastructure will not be materially impacted by this application.
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 is not considered to constitute overdevelopment. Ample amenity space remains to the front and rear of the site.

Overlooking - There is not considered to be an overlooking impact. The north facing first floor side elevation en-suite window is obscure glazed, the south facing side elevation ground floor hallway window faces the 1 metre high side elevation fence of 11 Helmsley Way which has an open frontage. The first floor bedroom is considered to constitute a standard frontage orientation and is 28 metres from 16 Helmsley Way on the opposite side of the road at the nearest point.

Overshadowing - There is not considered to be a material overshadowing impact. When a right to light calculation is made to the windows of 7 Helmsley Way to the north, less than half of the ground floor sitting room and first floor bedroom window is impacted when a 45 degree line is drawn.

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

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. A sense of place is not impacted by this proposal. There is not considered to be a material impact on amenity from the size, scale and layout. No trees will be removed to facilitate this proposal. There is not considered to be a material impact on the character and appearance of the area from the proposal.

5. Adequate space remains on site for the storage of cycles and bins. The existing access is not being altered and the site provides three off road parking spaces which accords with the minimum requested amount of three off road parking spaces for dwellings with four bedrooms or greater under Appendix 6 of the SELLP.

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 is not considered to constitute overdevelopment. Ample amenity space remains to the front and rear of the site.

Overlooking - There is not considered to be an overlooking impact. The north facing first floor side elevation en-suite window is obscure glazed, the south facing side elevation ground floor hallway window faces the 1 metre high side elevation fence of 11 Helmsley Way which has an open frontage. The first floor bedroom is considered to constitute a standard frontage orientation and is 28 metres from 16 Helmsley Way on the opposite side of the road at the nearest point.

Overshadowing - There is not considered to be a material overshadowing impact. When a right to light calculation is made to the windows of 7 Helmsley Way to the north, less than half of the ground floor sitting room and first floor bedroom window is impacted when a 45 degree line is drawn.

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

This application accords with SELLP Policy 3.

PLANNING BALANCE

Due to the siting and design there is not considered to be a material impact on the character and amenity of the surrounding area from this frontage extension. This application is considered to accord with Policies 1, 2, 3 and 28 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.