DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0355-19**	**Applicant:**	**Dr A Hunt**
Proposal:	Proposed first floor extension		
Location:	5 Henrietta Street Spalding		
Terminal Date:	1st March 2020		

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 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 planning application for proposed first floor extension at 5 Henrietta Street, Spalding.

Site Description

The locality of the site is purely residential. Most of the properties nearby are Victorian two-storey semi-detached houses. The site is a corner plot adjacent to the crossroad of Henrietta Street and Cross Street. It is long and narrow. There is a detached party wall outbuilding for storage.

History

None.

Consultation Responses

Residents

One public representation has been received raising the following issues:

- The proposed extension would block light to the yard, lounge and kitchen of the neighbouring property
- The windows of the proposed extension would result in overlooking and intrusion of privacy.

Planning Considerations

Principle of development

The site is within the settlement boundaries of Spalding as set out in South East Lincolnshire Local Plan (SELLP), 2019. Thus, the principle of development for the proposed site is acceptable unless other material considerations indicate otherwise.

Design and layout

Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 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.

Projecting at the rear of the house is an existing two-storey element and subsequent modern single-storey flat roof extension matching the original materials, which accommodates a breakfast area and kitchen on the ground floor and one bathroom on the first floor. The proposed internal layout indicates that the existing bathroom would be reduced in order to create one bedroom with en-suite.

The proposed development would be above the existing single-storey extension. The ridge height would be the same as that of the existing two-storey element projecting at the rear, which is lower than the roof of the main part of the house. The footprint of the intended enlargement would be the same as the existing single-storey addition. It is therefore considered that the proposal would be subservient to the host property in terms of scale, mass and height.

One new window opening is proposed at first floor facing the rear patio. The proposed brick lintel and sash window would be in keeping with the characteristic elements of the property. Facing brickwork and concrete roof tiles are intended to match those existing in the property. Likewise, white UPVC for additional fenestration and black UPVC pipes would replicate the existing in the house. For these reasons, the visual amenity and, ultimately, the character and appearance of the area would not be harmed by the development.

Residential amenity

The adjacent semi-detached dwellinghouse No. 4 also has a two-storey element that projects to the rear, but this extends further than that of No. 5. Two windows on the side elevation of this projection serve habitable spaces and face towards the application site. The separation distance between both elements is approximately 6 metres. Should the proposed first-floor extension be permitted, it is considered that this would result in an overbearing impact upon the residents of No. 4 on account of the aforementioned distance. This would be contrary to Policies 2 and 3 of the SELLP which include residential amenity as one of the main considerations of new development for delivering sustainable development and appropriate design.

Concern has been raised about the potential for loss of light to the property immediately adjacent. The Building Research Establishment document 'Site Layout Planning for Daylight and Sunlight: A guide to good practice (2011) sets out rule of thumb tests which determine whether or not further detailed daylight and sunlight tests are required. Where a development is opposite a window, a 25 degree test should be used. Upon conducting this test, it was found that the proposed extension would extend beyond the 25 degree line and so further checks are required. Consequently, a

request for a daylight assessment was made, however no details have been forthcoming. The Local Planning Authority therefore cannot be content that the impact would be acceptable.

Furthermore, the resulting form of development in conjunction with tantamount development at the rear the property No. 4 would appear cramped on the site and surroundings. The pattern of development is characterised by semi-detached houses sit within long linear narrow plots. The relationship between the narrowness of the sites and the height of both two-storey elements is significantly unbalanced. It is worth quoting Paragraph 130 of NPPF, 2019 which states that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".

Conclusion

Taking into consideration on balance the material considerations above, the adverse impacts on residential amenity are considered to demonstrably and significantly outweigh any benefits. The proposed development is therefore contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019 and Sections 12 of National Planning Policy Framework (NPPF), 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.