DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0410-21**	**Applicant:**	**Mrs S Brazier**
Proposal:	Extension to Dwelling		
Location:	15 Swindlers Drove Spalding		
Terminal Date:	14th June 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

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	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for a two storey side extension measuring 2.4 metres (width) x 13 metres (depth). It would have a pitched roof with a gable end fronting the street. The external material would match the existing dwelling. It would create a snug and a kitchen/sun lounge on the ground floor with a dressing room and study on the first floor. A roof terrace is also proposed at the rear.

It should be noted that the plans have been amended and the roof ridge of the proposed extension lowered.

SITE DESCRIPTION

The property is a detached dwelling on Swindlers Drove. The site is outside any settlement boundary and within the open countryside. The property currently has a driveway to the front/side with parking provision for at least 2 vehicles. There are 2 dwellings located immediately to the north of the site with an open field immediate to the south of the site.

RELEVANT PLANNING HISTORY

None.

REPRESENTATIONS

One letter of representation has been received from a local resident recommending installation of a minimum of 6 swift nest bricks be required by a planning condition to provide enhancement for biodiversity.

PLANNING CONSIDERATIONS

Principle of development

The site is outside any settlement boundary according to the South East Lincolnshire Local Plan (SELLP), 2019. However, the principle of a house extension that is incidental to the enjoyment of a dwellinghouse is acceptable.

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise. The key material considerations are addressed below.

Layout, Design, Size and Scale

Paragraph 127 of the National Planning Policy Framework (NPPF), 2019 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.

The proposed extension is considered proportionate to the existing dwelling. The small side projection and the now lowered ridge height would ensure the proposed extension does not appear overly prominent n relation to the existing dwelling. Furthermore the use of matching external materials and roof design would ensure the extension is in keeping with the character of the existing dwelling.

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

Impacts upon Residential Amenity

The only residential neighbour adjacent to the site is nNo.17 Swindlers Drove located to the north of the application site. There would be windows at first floor level in the side elevation facing this neighbour, however, the proposed windows are not considered to result in any unacceptable overlooking or overbearing impact given the separation distance between the two properties. The nearest primary window of this neighbour would be sited some 36 metres from the proposed extension and the side windows/terrace. This neighbour currently has several first floor windows in the side elevation facing this neighbour therefore the proposed windows, albeit 2.4 metres closer to this neighbour, are not considered to significantly or unacceptably change the relationship with this neighbour. Furthermore there are trees/planting along the northern boundary therefore there would not be any clear views of this neighbour in any case. Given the significant separation distance the proposed extension would not result in any unacceptable overshadowing or overbearing impact.

As such the proposal would on balance accord with Paragraph 127 of National Planning Policy Framework (2019) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Parking

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision. Bedroom 3 falls below the current national space standards for a bedroom therefore the dwelling is considered to have 3 formal bedrooms. As such 2 parking spaces would be required for the property which can be accommodated in the driveway.

Planning Balance

The proposal will not materially harm the character or appearance of the locality or 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 (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.

RECOMMENDATION

The application can be approved under delegated powers.