

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0414-23 **Applicant:** Mr & Mrs C Gray
Proposal: Demolition of existing extension to create a single storey side extension
Location: 28 Avebury Gardens Spalding
Terminal Date: 30th June 2023

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 2021

Section 12

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 proposal is a householder application seeking permission for a demolition of existing extension to create a single storey side extension at 28 Avebury Gardens. The development will measure at 5465mm at the rear, 5248mm length on the west, 2335mm (width), 2325mm (length), 2815mm (width) and 2510mm length on the eastern elevation. Internally it will be approximately 4618mm length and 4835mm width.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South-East Lincolnshire Local Plan, 2019 (SELLP). It is to the East of Spalding. The dwelling is a two storey building and is of a similar design and size to those in this area. The design of the house is almost identical to the others down this road each having garage connected to the house, with a uPVC frame separating the windows on the principle elevation. It partially shares a driveway with its neighbouring property meeting in the corner, the drive has both gravel and slabs. In the rear garden there is a free standing pond above ground and a tree in the middle which will not be effected by the proposal. There is also a shed in the rear garden which appears to be removed or relocated to make way for this extension.

History

No previous planning history.

Consultation Responses

South Holland Internal Drainage Board

No comments

Planning Considerations

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, that they are visually attractive, as a result of good architecture, and are sympathetic to local character. 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 side extension will be situated in the same place as the existing extension currently is. The measurements of this will be 5465mm (rear width), 5248mm (western length), 2335mm (width), 2325mm (length), 2815mm (front width) and 2510mm (eastern length). The measurements inside the extension are 4618mm (length) and 4835mm (width). The existing extension is at a similar height to the garage on the eastern side of the house where as the proposed extension will be higher than this, coming up just short of the eaves of the house. It could be considered that the overall height of the extension is not proportionate to the main dwelling however, the overall design and and measurements can be seen as acceptable.

The materials that the extension is being made out of can be considered to be in keeping with the existing house/extension as the walls will be facing brickwork and the windows will be made of white uPVC both to match the existing. The roof of the current extension is made out of flat roof covering and roof tiles where as the proposed extension roof will be pitch roof covering and roof tiles to match the existing house and to ensure that the extension will blend in. The proposal is also in keeping with other dwellings in this area as almost all the houses have white uPVC windows, with identical roof tiling and similar brick type.

The development will turn the extension from a reception room to a bedroom with an en suite. There will be a set of bi-fold doors at the rear which will allow access easily through the bedroom and the rear garden, there are doors here currently on the existing extension so this should not create any new issues. The door width in the dining room has also been increased and moved to compensate for the extension.

Impacts Upon Resident Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

There are four proposed windows being added to the extension, alongside a set of bi-fold doors at the rear. One of the windows will be located in the proposed bathroom and will be obscure glazed,

this therefore means there won't be any overlooking into neighbouring properties. At the rear of the extension there will be a roof light, however as this will be in the roof it is facing up and therefore also won't face any issues regarding overlooking. Alongside this, at the rear there will also be a set of bi-fold doors which will allow access into the garden. There is already existing bi-fold doors in this area on the existing extension so there won't be any new issues from these, at the rear there are trees around so this helps with minimising overlooking. There will also be a window located at the front facing towards the road, like the bi-fold doors there is one like it already situated in the existing extension so there shouldn't be any new problems caused by this. Finally, there will be a window located on the side elevation measuring at 1810mm by 1210mm. This will be facing the neighbour directly to the west and could cause possible overlooking issues, there is a low fence approximately 1236mm away from this window and this could stop the majority of the overlooking. The window will also look onto a wall and the corner of the neighbours garden so shouldn't effect them too much.

The distance between the extension and the north boundary is 10380mm, following a site visit it was noted that in this direction there are a number of trees that will stop any overshadowing as this is the furthest direction to any house who could be impacted. To the east there is a distance of 11388mm to the boundary point, again this will cause very minimal impact on overshadowing as there is also a fence in this direction. To the west there is a distance of 7163mm, this is an adequate distance to the boundary to reduce overshadowing. It can also be considered that the development would not lead to material or unacceptable overshadowing of the neighbouring property and there would therefore be no material loss of amenity.

The single storey side extension is split into two sections internally. The en-suite / wet room area is 1217mm from the boundary and is slightly in from the main part of the extension, this is 1236mm away from the boundary on this side. The main section of the proposal could possibly overshadow onto a small side window as it is further forward than the smaller section, however the main light will come through the conservatory so this would not impact the neighbouring dwelling significantly. The en-suite / wet room is an adequate distance from the windows and therefore wouldn't cause concern especially due to the in step and nature of the extension. It is considered that the development will have minimal impact on overshadowing onto the neighbouring dwelling and garden and therefore conforms with Policies 2 & 3 of the SELLP.

Parking Provision

In relation to Policy 36, Appendix 6 of the SELLP 2019, it sets out the minimum requirements for car parking provision. No. 3 spaces must be provided within the curtilage for dwellings with up to 4 bedrooms. The drive in front of the dwelling is clearly sufficient to accommodate for the number of vehicle and ensure safe access and egress.

Planning Balance

The proposed demolition of existing extension to create a single storey side extension will not materially harm the character or appearance of the area. There should be minimal impact of overshadowing or overlooking. The design, layout, size and scale will match the surrounding area and ensure that there is no impact on the locality.

This proposal is therefore considered to be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Conclusion

The recommendation is therefore for a delegated 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.