DECISION DELEGATED TO HEAD OF PLANNING
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Application No:	**H16-0418-23**	**Applicant:**	**Mr & Mrs Uzpelke**
Proposal:	Demolition of conservatory and existing side extension and replacement single storey extension		
Location:	28 Rowan Avenue Spalding		
Terminal Date:	28th June 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
02	Development Management
03	Design of New Development
21	Houses in Multiple Occupation and the Sub-Division of Dwellings
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This proposal is seeking permission for the demolition of a conservatory and existing side extension and replacement single storey extension. The development will measure at 8296mm (length), 3000mm (west width) and 5744mm (east width). At the front of the dwelling there is also the addition of an extension that will be used as bike storage, this measures at 2065mm (width) and 2465mm (length).

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 semi-detached HMO with No. 30 situated on the right side of the pair. This is common for the dwellings down this road with almost all of the houses down Rowan Avenue being semi-detached properties. It is made of red brick with a tiled roof and white uPVC frames for both the windows and the doors, the majority of houses down this road fit this description. It is situated around 10 metres from the road with fences on each side at the front with two wall posts acting as boundary points.

History

No relevant planning history.

Consultation Responses

South Holland Internal Drainage Board

Raised no objection but would like to make the applicant aware of "of the presence of a privately owned pipeline running adjacent to the eastern site boundary. We would advise the applicant to be cautious during excavations/construction of any proposed works in the vicinity of said pipeline, in order to avoid causing damage to the pipe"

Diane Fairchild-Fenton (Trees and Nature Conservation Officer)

Concluded that no trees of significant public amenity value will be affected by the proposal.

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.

As part of the extension there is the addition of a bike storage being added to the front of the property on the eastern side, the measurements of this will be 2065mm (width) and 2465mm (length). Internally it will measure 2250mm by 1850mm. This will act as additional storage for the residents of the HMO not just for its intended purpose of storing bikes.

The proposed extension at the rear of the property will replace the existing conservatory and small side extension that is situated there currently. The conservatory itself is currently in poor condition and therefore this extension will revamp the dwelling. This will measure at 8296mm (length), 3000mm (west width) and 5744mm (east width). The measurements mean that the development will be bigger than what is currently there adding more floorspace to the ground floor section of the house. Based on the measurements, the proposed extension can be considered to be acceptable and proportionate to the main dwelling.

The materials being used to build the development are facing brickwork for the walls, tiles for the roof and white uPVC for the windows. Each material being used matches the existing dwelling and this ensures that the development is in keeping with the area in which it is situated. It also means it will blend in and not create any visual discrepancies.

Internally there will be some changes to the layout of the ground floor. The existing kitchen will be

opened up into the extension to create an open plan kitchen, dining & living room area. The proposed side extension will also create an extra bedroom with a shower room adjacent to it which will be shared amongst the residents in the HMO, this will be the third bedroom on the ground floor. Alongside this there is some changes to the windows with the addition of 3. In one of of the existing bedrooms a window that currently looks outside into the garden will be blocked up as this is where the extension will be going, they will have a new window slightly to the west which will look outside. In the proposed kitchen and dining/living room there will be a window at the rear along with a set of bi-fold doors which will allow access into the rear garden. Finally in the proposed bedroom there is another window looking into the rear garden and in the shower room there is also a window however this will be obscure glazed.

The overall design of the extension is in keeping with the area and therefore this is considered to be appropriate in accordance to Policies 2 & 3 of the SELLP and Section 12 of the NPPF.

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.

The proposed addition of windows to the rear and eastern side of the extension are not considered to overlook drastically into neighbouring properties on either side of the dwelling. On the eastern side of the dwelling there is a row of tall trees that act as a boundary treatment in itself and will also provide adequate protection from overlooking into the neighbouring property on this side of the dwelling. A part of the extension will also act as a boundary on this side with a window going here, however as it is situated in the bathroom it will be obscure glazed and not create any issues with overlooking. Following the addition of two new windows and a set of bi-fold doors going in as part of the extension and the relocation of a window in one of the ground floor bedrooms it could be considered that there is some problems with overlooking to the neighbouring property on the west. After conducting a site visit it was noticed that there is a low fence that separates the semi-detached houses acting as a boundary treatment, the windows at the rear of the proposed extension could be considered to overlook the fence and therefore directly into the neighbouring dwelling. However, there are windows located in similar places on the existing dwelling so it could also be considered that there will be no new problems created by the extension windows that aren't already existing issues.

There are multiple distance to each boundary point, to the rear there is a distance of 17961mm (north), 1162mm (west), 241mm to the front boundary wall (south-east) and 4826mm to another front boundary wall (south-east). There is also a wall to on the west side of the extension that will continue to form a boundary. On the east side of the proposal there is a row of trees forming a boundary, these will effectively minimise any issues that could be caused by the development through overshadowing as the trees will be higher than the extension. Towards the west there is a low fence as previously mentioned adjoining to the semi-detached property. There could be some issues with overshadowing in this direction however, as there is already a conservatory here and the proposed extension is still only single storey it shouldn't create new issues. It is also considered that this development won't be overbearing on the area.

Parking Provision

In relation to to Policy 36 of the SELLP, Appendix 6 sets out the minimum requirements for car parking provision. 3 spaces must be provided for dwellings with 4 or more bedrooms. The drive to the front can be considered to provide enough parking and therefore sufficiently accommodate the residents and be in accordance to Policy 36, Appendix 6.

Planning Balance

The proposed demolition of the conservatory and existing side extension and replacement single storey side extension will not materially harm the character or appearance of the area. In regards to overlooking and overshadowing there will be minimal impact. There are some trees on the eastern side of the development however as mentioned on the application form these will not be removed to make way for the proposed extension.

It is considered that this proposal is therefore in accordance with Policies 2, 3 and 36 (Appendix 6)

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.