

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H16-0419-23      **Applicant:** Mr & Mrs Uzpelke

**Proposal:** Demolition of existing side extension to be replaced with single storey rear and side extension

**Location:** 30 Rowan Avenue Spalding

**Terminal Date:** 29th 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        |

### CASE OFFICER ASSESSMENT

#### Proposal

This proposal is seeking permission for the demolition of existing side extension to be replaced with single storey rear and side extension. The development will measure at 8296mm (length), 3000mm (east width), 5744mm (west width). At the front there will be the addition of a bike storage area, this measures 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. 28 situated on the left 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.

## **History**

No relevant planning history.

## **Consultation Responses**

No consultation responses.

## **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.

To the front of the proposed extension there is a bike storage being added on the western side, the measurements of this will be 2065mm (width) and 2465mm (length). Internally it is 2250mm by 1850mm. This allows the residents to have more storage.

The proposed extension will replace the existing side extension that is there currently. This will measure at 8296mm (length), 3000mm (east length) and 5744mm (west length). The proposed extension will be bigger than the existing extension and will allow there to be more floor space for the residents. These measurements are considered to be acceptable and proportionate when compared to the main dwelling itself.

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 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 western elevation are not considered to have big impacts regarding overlooking onto neighbouring properties. On the western side of the development there is a low fence acting as the boundary point, in between No. 30 & No. 32 there is

a small grass area which appears to be owned by neither property. This provides a good distance between the neighbouring properties to prevent overlooking in this direction. 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. As there are windows and bi-fold doors being placed at the rear of the proposed extension, it could be considered there will be some overlooking into the neighbouring property on the east as there is a low fence that separates the dwellings. However, there are already windows located in similar places on the existing dwelling so it could also be considered that there will be no new issues created by the windows on the extension that aren't already existing issues.

There is an adequate distance of 27967mm to the north of the development, there are row of terraced houses in this direction however due to the distance and the nature of the proposal there will be no issues regarding overshadowing to the north. To the east there is a distance of 1135mm to the boundary point, this boundary fence is low and appears to be around 1 metre tall. This would mean that there is more overshadowing onto the neighbouring property then there would be if the fence was 2 metres in height. However it could be considered that as the neighbouring property (No. 28) will be having an extension of the same size, height and design it will remove any possible overshadowing issues. To the west of the proposal there is an open grass area in between the dwelling and the neighbour, this provides an adequate distance to prevent overshadowing issues onto this neighbouring dwelling.

### Parking Provision

It could be considered that the proposal doesn't follow Policy 36, Appendix of the SELLP as it doesn't provide adequate parking spaces for the number of bedrooms on site. However, it could also be considered that in relation to Policy 21 'Proposals for the creation of HMOs will be permitted provided that they - would not have a significant adverse impact on the surrounding area by way of increased on street parking, impaired highway safety or by impeding proper access to the area'. As this development will only be creating one new bedroom on an existing HMO it would not have an significant impact on the on street parking down this road and therefore is not enough to warrant a refusal on this alone.

### Planning Balance

The proposed demolition of existing side extension to be replaced with 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.

It is therefore considered that the proposal is 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.