

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0440-20 **Applicant:** Mr Malone
Proposal: Proposed Two Storey Rear Extension
Location: 38 Fen End Lane Spalding
Terminal Date: 12th November 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application at 38 Fen End Lane, Spalding for a proposed two storey rear extension.

Site Description

The property is a detached two-storey dwelling situated on the western side of Fen End Lane within a deep plot. The dwelling is set back from the road, with a large block paved driveway and a grassed front garden. There is access to the rear at both sides of the property.

The surrounding dwellings to the west of Fen End Lane are detached and of a similar age and design. To the east of Fen End Lane, the dwellings are mostly detached bungalows of a similar age

and design.

History

None relevant.

Consultation Responses

Public Objection

Public (2 objections received, summarised) -

- Loss of light/overshadowing
- Impact on view

Planning Considerations

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 would protrude approximately 4m in depth from the existing rear ground floor elevation, and approximately 8.8m in width, making it the entire width of the existing dwelling. The first floor will protrude approx. 3m from the rear elevation, with part being flat roofed. The extension will replace the existing single storey conservatory.

Having regard to the existing dimensions of the house and plot it sits within, the proposed extension is considered acceptable in terms of scale, mass and bulk.

At ground floor, the existing dining room and kitchen will be combined to create a larger kitchen and the extension will accommodate a new dining room and an additional living area. There will be alterations to the existing study and store room, making these into a utility area and a shower room. A study will replace the existing utility area. At first floor, bedrooms 2, 3 and 4 will be enlarged and en-suite bathrooms added. The main family bathroom is proposed to be enlarged. Overall, the proposals will ensure good living conditions of the house occupiers and in keeping with the residential use of the property.

A gable pitched roof will be formed on top of a large proportion of the two storey element, with a flat roof element to the north west section of the roof. The ridgeline will accordingly extend as an enlargement of the existing roof structure on the property.

Facing brickwork on walls, concrete roof tiles and UPVC fenestration will match those existing on the property. Thus, the development will appear well blended with the fabric of the house and the visual amenity will not be undermined.

Taking the above into account, the proposed extension is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2019 in terms of layout, design, size and scale.

Impact upon Residential Amenity

The only additional side facing window would be an obscure glazed window to the en-suite on the northern elevation of the dwelling. An additional window would be installed in the rear elevation at first floor, however that would also be to a bathroom and thus obscure glazed. The proposed large bi-fold doors to the rear elevation on the ground floor will add additional natural light and easy access to the rear garden and will thus enhance their amenity space.

The proposal was originally for the first floor of the extension to project as far as the ground floor (4m). Following concerns being raised by residents regarding the potential for loss of

light/overshadowing, the proposal has been revised and the first floor set back by 1m. Re-consultation on the amended plans has been undertaken but the resident concerns remain. It is noted that the property is almost due south of the dwelling to the north. In such a situation where loss of light is a concern, a 45 degree BRE daylight/sunlight loss test can be undertaken to establish whether further investigation is required. If the measurement is 45 degrees or less, further sunlight tests are likely to be required.

Based on the submitted block plan, the proposed extension would be approx 0.91m from the north-western boundary, and a further 1.2m to the side elevation of the property to the north. The property to the north is the same house type and thus it can be deduced that the centrepoint of the closest ground floor window (the reference point to be used) on the neighbouring property would be approx. 3.8m away from the side elevation of the extension. The extension at the closest point would be flat roofed. The BRE guide states that when measuring an elevation drawing, the height of the extension should be taken halfway along the slope of the roof. The centrepoint of the aforementioned window would fall at approx. 60 degrees from this point on the sloped roof of the extension. A 45 degree test can also be carried out on horizontal roof type plans. From the outer most part of the pitched roof element of the extension, the angle to the window centrepoint is again approx. 60 degrees. The pitched element of the two storey extension is therefore considered acceptable when assessed using the 45 degree test.

The first of the two 45 degree assessments is not designed to be used for flat roofs and thus the second assessment has been applied to this part of the extension. From the outer most part of the flat roof element of the extension, the angle to the centrepoint of the relevant window on the neighbouring property would be approx. 55 degrees.

In light of the conclusions of these assessments, it is not considered that there would be a justifiable reason to refuse the application on the grounds of material loss of light/overshadowing or require additional sunlight/daylight tests to be undertaken.

As specified above, the proposed extension would be approx. 0.91m from the boundary with no. 36 to the north, which would be the same as existing. Given the overall size of the gardens of the properties and the relatively limited projection of the two storey element to the rear, it is not considered the the extension would be unduly overbearing.

The proposed extension would project approx. 2.7m further south-west than the rear elevation of no. 40 to the south, and the first floor extension thus only 1.7m. The distance to the boundary would be approx. 1m, which is the same as existing. Given this, it is not considered that there would be a material overbearing impact on the occupiers of no. 40. A landing is not considered a habitable space/room in planning terms and thus any impact on light to such an area would not warrant refusal of any application. The extension is also north of no. 40 and so taking into account the path of the sun, there would be no direct overshadowing.

Impact on views in a consideration but one which only carries very limited weight in the overall planning balance.

Taking the above into account, the proposed extension is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2019 in terms of residential amenity.

Conclusion

In light of the considerations above, the proposed development is considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and of Section 12 of the National Planning Policy Framework (2019).

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.