DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0442-19**	**Applicant:**	**Mr & Mrs T Deprez**
Proposal:	Proposed first floor extension to front elevation and two-storey rear extension, including internal alterations		
Location:	6 Kirby Court Spalding		
Terminal Date:	20th July 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
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	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder planning application for proposed first floor extension to front elevation and two-storey rear extension, including internal alterations at 6 Kirby Court, Spalding.

Site Description

The surroundings of the site are characterised by suburban development. Traditional detached properties are within fairly spacious plots accessed by a residential road grid.

The site is quasi-rectangular at the cul-de-sac end of Kirby Court. A drain runs adjacent to the

western boundary. There is a spacious drive in gravel to the front of the property and a large grassed garden to the rear. The property is a two-storey detached dwelling with a traditional 'brick and tile' appearance reflecting the character and appearance of the neighbouring properties.

The application's property rear garden backs onto the rear gardens of No. 25 Avebury Gardens to the west, No. 3 and 4 Rainton Court to the north and No. 4 Kirby Court to the east.

A nearly 2 metre high timber picket and brick pillar fence bounds the rear garden to the west and north. Some young trees behind the fencing contribute to obscure views from the west. To the front of the western boundary, there is a nearly 2 metre high timber close board and brick pillar fence whereas mature hedgerow of similar height is on the opposite side of the drive.

History

None

Consultation Responses

Residents - Objection

One public representation has been received raising the following issue:

-Loss of privacy on account of the proximity of the two-storey rear extension to their property

Planning Considerations

Size and scale

The front first floor extension will have an identical footprint to the store and reception on the ground floor level. The apex height would be below to the ridge of the house roof. With regards to the two-storey rear extension, this part of the proposed development would extend to the full width of the rear elevation and would be as high as the ridge of the main roof. The extension would project 3.61 metres from the original rear wall of the building which would be commensurate to the total depth of the dwelling. Having also regard to other dimensions of the existing house, it is concluded that the proposal would be subservient to the host property in terms of scale, massing and bulking.

Design and layout

The existing lean-to front element that hosts the store and reception would be increase upwards forming a gable pitched two-storey element. A gable pitched roof would be on top of the two-storey extension. The proposal would share the roof style of the existing property providing a more integrated form of development in terms of layout and design.

Whereas the 22.5 degree pitch of the front extension is located marginally below the main roof of the house, the rear extension has a 17.5 degree roof pitch which is positioned as high as the ridgeline of the house. In doing so, the external layout would provide a sense of scale and subservience to the entire development in relation to the host property.

The floor plans show that both the aim of both extensions is to increase the internal floor space to create 3 no. additional bedrooms on the first floor level. The existing rear conservatory would be removed and the ground floor of the rear extension would be used as a family room. The use and nature of the development is in keeping with those of the residential property.

Facing brickwork, concrete interlocking roof tiles and white UPVC for fenestration are the intended materials to develop the domestic development. All external materials would match those existing in the dwelling. The resulting appearance of the development would not create any harmful impact upon the visual amenity of the building and surroundings.

Impact upon residential amenity

The nearest dwelling to the proposed extensions is the adjacent property No. 4 to the east. The other neighbouring properties bounding with the application site are found significantly away from the extensions, hence the considerations about residential amenity would be made only in relation to the neighbours living at No. 4.

A nearly 2 metre high timber picket and brick pillar fence bounds the rear garden to the west and north. Some young trees behind the fencing contribute to obscure views from the west. To the front of the western boundary, there is a nearly 2 metre high timber close board and brick pillar fence whereas mature hedgerow of similar height is on the opposite side of the drive. Given the nature and height of this boundary treatment, the development would not be significantly visible for the residents of No. 4 on the ground floor level.

The first floor front extension is not materially excessive albeit its sensitive location. The front driveway is spacious and the house falls behind the adjacent No. 4. Therefore, any impact upon the street scene is not significant. The separation distance with the front elevation of No. 4 is approximately 5 metres and the mature hedgerow obscure any views from the ground floor level. The protrusion and bulk of the front extension is such that would be significantly visible by the residents at No. 4 from the upper front windows.

With regards to the two-storey rear extension, the footprint of the protrusion would be roughly as much as the existing conservatory and the hip roof pitched single-storey element. In view of that, the bulk of the first floor extension would not block the views from the upper rear windows to such an extent to not allow the proposed two-storey extension. In addition to the depth and bulk of this extension, the separation distance is sufficient to grant that the rear part of the proposal is not excessively dominant and overbearing to the adjacent neighbours. Moreover, the location of the application's property and adjacent properties No. 4 and 2 within the sun path is such that no overshadowing would be caused after developing the proposals.

Conclusions

In light of considerations above, the proposed development is in accordance with Policy 1, 2 and 3 of South East Lincolnshire Local Plan, 2019 and Section 12 of National Planning Policy Framework, 2019.

It is therefore recommended to approve this application via delegated powers.

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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.