DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0443-21**	**Applicant:**	**Mr P Jones**
Proposal:	Proposed single storey rear extension with first floor balcony and internal alterations to existing dwelling		
Location:	60 Park Road Spalding		
Terminal Date:	21st June 2021		

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	1	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for a single storey rear extension to create a kitchen, utility and w/c, replacement first floor balcony and internal alterations. The extension would measure 4 metres (depth) x 9.4 metres (width) and stand at 3.3 metres in metres in height. The extension would be finished in a cream smooth render.

SITE DESCRIPTION

The property is a detached two storey dwelling on located on Park Road. The property red brick built with a double frontage and a bay window to the front. The front of the site is enclosed by a low boundary wall. To the side is a single attached garage and one further off-street parking space in

front of the garage. The rear elevation is rendered and has single and two storey elements. The rear boundary is enclosed by a high level boundary fence.

RELEVANT PLANNING HISTORY

None.

REPRESENTATIONS

One letter of objection has been received from the adjacent neighbour at no.58 siting the following concerns:
-Noise and dust during the construction period
-The proposed balcony may result in loss of privacy

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 replacement balcony is not considered to materially alter the appearance of the site therefore this element is considered acceptable.

The proposed extension is considered proportionate to the existing dwelling. There would be no views of it from the main public realm from the front of the site therefore no unacceptable impact would result on the street scene. There would be glimpsed views of the proposed development from the rear of the site, however, given the single storey nature of the extension and the fact it would be located at least 16 metres from the rear boundary it would not appear overly prominent. Sufficient outdoor amenity space would be retained and the extension would not result in overdevelopment of the site. Furthermore the use of materials to match the existing rear elevation would ensure the extension would be in keeping with the existing dwelling.

As such the extension would comply with the aforementioned policies on design, layout and impact upon the character of the local area.

Impacts upon Residential Amenity

The adjacent neighbour at no.58 located to the south-west of the application site has raised concerns of overlooking from the proposed balcony. The concerns are noted, however, the replacement balcony would be in the same position as the existing therefore it is not considered that any additional overlooking would result. With regard to the proposed extension, this would be located approximately 4.5 metres from the shared boundary with this neighbour and 8.5 metres from its nearest elevation. Given the single storey nature of the extension this separation distance is considered to be sufficient as to not result in any overbearing impact or unacceptable overshadowing.

With regards to the neighbour to the north at no.62 the proposed extension would sit close to the shared boundary and side elevation of this neighbour. However, given the extension would not extend beyond the rear elevation of this neighbour it is not considered to result in unacceptable impact on this neighbour. In addition, the footprint/rear projection of the proposed extension meets the permitted development criteria therefore the extension could not reasonably be resisted. The eaves of the extension would be 0.3 metres higher than what the applicant could build under permitted development which is not considered to be significant. Given permitted development rights allow pitched/mono-pitched/hipped roof extensions standing at 4 metres in height which would result in a greater impact the proposed 3.3. metre high extension is considered to result in a lesser impact.

The neighbours to the rear would not be unacceptably impacted by the proposed extension given the significant separation distance. The replacement balcony would have the same impact as the existing therefore no increased overlooking or loss of privacy would result.

As such the proposal would accord with Paragraph 127 of National Planning Policy Framework (2019) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Other matters

One neighbour has raised concerns of noise and dust during the construction period. The concerns are noted, however, given these would be temporary issues the scheme could not reasonably be resisted on these grounds. With regards to the potential construction hours unfortunately given the small scale nature of the development the construction hours could not be controlled under planning legislation. However, should the noise/dust become an issue then this could be reported to the Environmental Health Team.

Planning Balance

The proposal will not materially harm the character or appearance of the locality or amenity of nearby residents. The planning balance is therefore considered to be in favour of the proposal.

CONCLUSION

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

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.

RECOMMENDATION

The application can be approved under delegated powers.