DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0469-20**	**Applicant:**	**Mr V Judzinskas**
Proposal:	Proposed rear extension		
Location:	38 Daniels Gate Spalding		
Terminal Date:	27th August 2020		

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 of the National Planning Policy Framework (2019)

12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is an application for a proposed rear extension at 38 Daniels Gate, Spalding. The proposal seeks to provide a sauna and ante-room that projects a total of 5 metres from the original rear elevation wall of the dwelling, and is 2.9 metres in width. The maximum height of the lean to roof will be 2.5 metres in height where it meets the dwelling and 2.2 metres at the eaves.

The application also wishes to build a terrace measuring 5 metres in length by 3 metres wide, with a roof above, adjacent to the proposed sauna extension. The roof slope of the sauna extension will continue over the terrace area and be supported by three wooden pillars at the far end of the roof.

The sauna will be constructed by grey UPVC cladding boards with black EDPM roofing.

Site Description

The proposal is within defined settlement limits and the surrounding area is characterised by dwellings of a similar age and design, with modern retirement bungalows to the rear of the proposal site.

History

No relevant history

Consultation Responses

None

Planning Considerations

Principle of development

The proposal is for a residential extension on residential land in the defined settlement limits of the largest settlement in the district. The principle of development in this location is considered to be acceptable.

Impact of development

There is not considered to be any material harm to neighbouring residential amenity from overlooking or overshadowing. The design, scale and layout is considered to be appropriate for the site and does not materially impact the character of the dwelling or the surrounding area. The proposed materials are considered appropriate for the proposed use and do not materially after the character of the surrounding area, as the sauna is sited to the rear of the dwelling and is fairly low in maximum height.

The extension is at a maximum of 2.5 metres in height and is located adjacent to the 2 metre high fence at the boundary with 36 Daniels Gate which has a brick built extension to the rear, higher in height than the proposed sauna extension.

It is not anticipated that there would be a large amount of noise from the users of the sauna as it would be internal in nature and accessed directly from the property.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019, as well as 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.