DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0559-22**	**Applicant:**	**Mr Ball**
Proposal:	Proposed two storey side extension and single storey rear extension		
Location:	88 West Elloe Avenue Spalding		
Terminal Date:	26th July 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
28	The Natural Environment
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 is a householder application, seeking permission for a proposed two storey side extension and a single storey rear extension, to the property at 88 West Elloe Avenue, Spalding.

Site Description

The application site is situated within the defined settlement of Spalding, according to the South East Lincolnshire Local Plan, 2019. The dwelling is a detached red brick two storey property, with a car port situated to the east of the dwelling. The dwelling is set back from the road and has a 1m high boundary treatment to the front of the site, with a large gravelled driveway to the front and side of the dwelling.

The dwellings along the section of West Elloe Avenue are situated on similarly sized plots and of a variety of ages and design.

History

No relevant planning history.

Consultation Responses

No consultation responses received.

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; 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 two storey extension will protrude from the eastern side elevation by approx. 3.2m and have a depth of approx. 7.3m, similar to the existing two storey dwelling. The side extension will match the existing roof line of the original dwelling. To the rear of the dwelling, the proposed single storey extension will protrude from the rear elevation by approx. 4.6m with a width of approx. 9.1m, leaving part of the utility room as it currently stands. A new first floor rear extension will project from the rear elevation by approx. 4.6m with a depth of approx. 2.2m. Having regard to the existing dimensions of the house and plot it sits within, the proposed extensions are acceptable in terms of scale, mass and bulk.

The external materials include off-white rendered finish on walls, concrete roof tiles and grey UPVC in fenestration, which will replace the existing white windows and doors.

To the rear of the property, the two storey rear extension will be formed from a gable pitched roof. The rest of the rear extension will be formed from a flat roof design. As much as flat roof extensions are not considered favourable, due to it being to the rear of the dwelling it will not impact on the overall character of the surrounding area and is considered acceptable.

Internally, the purpose of the development is to gain further internal floor space for enlarging and creating new rooms inside the house. This includes a new car port to the ground floor, with the creation of an additional ground floor w/c and new entrance way. The kitchen will be expanded and turned into an open plan kitchen/living area, with bi fold doors opening out into the rear garden and a new pantry room off of the kitchen. To the second floor, a new master bedroom will be formed, including a dressing area and an en suite. A larger family bathroom will be formed from the proposed rear first floor extension. There will also be some slight alterations to the sizes of the existing bedrooms, as well as creating a new hallway to the new master bedroom.

Overall, the proposals will ensure good living conditions for the house occupiers and are in keeping with the residential use of the property.

Taking the above into account, the proposed extensions are deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale.

Residential Amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The proposed windows are to the front and rear elevations of the side two storey extension. There are no properties situated less than 20m away to the rear and to the front. The first floor rear extension window includes two obscure glazed windows proposed from the family bathroom on the eastern side elevation. The single storey rear extension includes no side facing windows. The proposed bi fold doors, rear window and roof lights would not be considered to overlook unacceptably upon the neighbouring property to the rear, which is approx. 17m and appears to be a bungalow. There would therefore, not be a material overlooking impact from the proposal.

In terms over overshadowing and overbearing, the side two storey extension is approx. 1m away from the neighbouring boundary to the east. There appears to be a landing window on the first floor and kitchen window on the ground floor on the neighbouring side elevation on that side. It is not considered that the proposed two storey extension would impact significantly over the existing neighbouring windows, as it would appear that the kitchen window has an additional window and door on the rear elevation of the dwelling and a landing is not classed as a habitable space in planning terms.

The proposed rear first floor extension is not considered to be overbearing or overshadowing upon the neighbouring bungalow to the west. There is a side elevation window serving one of the bedrooms to the eastern elevation. However, it would not be considered to be materially impacted by the proposed first floor extension, as it would already be impacted to an extent by the dwelling as it exists now.

Taking the above into account, the proposed two storey side extension and the rear extension are deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed two storey side extension and rear extension will not materially harm the character or appearance of the locality or amenity of nearby residents. It is therefore considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

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.