DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0594-21**	**Applicant:**	**Mr N Thompson**
Proposal:	Proposed extension & alterations		
Location:	44 Cley Hall Drive Spalding		
Terminal Date:	22nd July 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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed extension and alterations to the property at 44 Cley Hall Drive, Spalding.

This application is in fact a re-submission of the approved works under application ref. H16-0357-20. The differences between approved and proposed works will be detailed and assessed below in the section of planning considerations.

Site Description

The character of the area is solely residential within the built-up area of Spalding. The prevailing housing type is two-storey detached dwellinghouse. A wide range of designs, appearance and ages has been observed across the area. The street pattern is based on cul-de-sac streets stemming from Halmer Gate as the main highway.

The site is long and rectangular. The property is two-storey which stands within the building line along the western side of Cley Hall Drive. The plot benefits from a spacious rear garden. A low brick wall and pillars bound the site to the front. There is also a paved driveway leading to the side garage as well as some landscaping such as bushes and young trees.

The property is opposite the side elevation of No. 42 to the north and also adjoins the rear garden of No. 37 to the south. Both buildings are two-storey.

History

H16-0357-20- Approved 24-06-20- Proposed extension and alterations

H16-1060-18- Approved 06-12-18- Proposed extension and alterations

Consultation Responses

South Holland IDB- No comments

Local Highway and Lead Local Flood Authority- No observations, although requests two standard highways informatives.

Planning Considerations

Principle of development

The site is within the settlement boundaries of Spalding as set out in the South East Lincolnshire Local Plan (SELLP), 2019. The principle of developing house extensions and alterations ancillary to the dwelling house is acceptable.

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 key material considerations are addressed below.

Design, Layout, Size and Scale

Paragraph 127 of 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 main difference between the previously approved and proposed works is the internal alterations to the proposed rear extension and the car port measurements and design. This includes the size of the car port being extended from a depth of 5.7m to 6.3m, but the width decreased from approx. 3.1m to 2.95m. A hipped roof is now proposed for the car port rather than a flat roof, which is better visually. The increase in depth can easily be accommodated within the plot.

To the rear of the proposed extension, the proposal is now for bedroom 4 to have a new patio door in place of the previously approved corner windows. Off the rear elevation, there will be a covered way, at approx. 3.6m deep. As this is to the rear of the property, it will not be visible from public vantage points. The dressing room and en-suite will also be replaced with a female closet as well as a new male closet and there will no longer be an outdoor store room. The previously approved porch is now instead a lobby area and the internal door is set further back. This is a minor alteration

in visual terms.

Pantile roof tiles will be replaced for Marley Eternit Blue Black Rivendale which would imitate the slate appearance of the roof tiles of No. 42. Most of the external walls will be rendered in white colour, as previously approved.

Overall, the proposed alterations to the previously approved plans are considered acceptable and in accordance with the aforementioned policies.

Impact upon Residential Amenity

The scale of the rear extension remains as previously approved in application H16-0357-20 and the width of the car port will be reduced, therefore being marginally further away from the boundary with the neighbouring property. The increase in depth is relatively minor and not significant enough to have a material amenity impact.

The covered way to the rear of the property will have the same eaves height as the rear extension and would be no closer to any neighbouring dwelling than the extension. It is therefore considered acceptable.

The size and nature of fenestration has been altered from that previously approved, but there would be no new overlooking aspects created.

In summary, the proposals will not undermine the amenity standards of the residents and they comply with one of the key principles of design and development management as set out in Policies 2 and 3 of SELLP (2019).

Highway safety and parking provision

Appendix 6 of SELLP sets out minimum requirements for parking provision. 2 parking spaces are at least required within the curtilage for dwellings with up to 3 bedrooms in order to prevent on-street parking. The total number of bedrooms after developing the proposals will be 4 albeit one of them has small dimensions. The actual number therefore is 3.

The garage is demolished but a car port is provided. Having regard to its dimensions, one single car can be parked under the car port shelter and one further in the driveway, both in tandem. Therefore, the proposed development will be in accordance with Appendix 6 of SELLP.

With regards to the highway safety, the existing dropped kerb will be widened should permission be granted. LCC Highways Authority has raised no objection but requires to add a note to the permission in order to ensure the works comply with Authority's specification.

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 extension and alterations will not materially harm the character or appearance of the locality or amenity of nearby residents. Taking into account the considerations above, the proposal is considered to comply with Policies 1, 2, 3, 36 as well as Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019; and also Section 12 of the National Planning Policy Framework (NPFF), 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.

Conclusion

The recommendation is for a delegated approval.