

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0600-20 **Applicant:** Mr E Prokofiev
Proposal: Single storey rear garage extension with first floor bedroom extension
Location: 5 Whyburn Close Spalding
Terminal Date: 22nd September 2020

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

CASE OFFICER ASSESSMENT

Proposal

This is a householder application for a single storey rear garage extension and a first floor bedroom extension to the rear of the dwelling at 5 Whyburn Close, Spalding.

Site Description

The detached dwelling is situated within a cul de sac in a built up residential area to the west part of Spalding, off Solent Drive.

The dwelling is surrounded by other properties of a similar age and design. The dwelling is set back from the road, with a block paved front and a garage and driveway to the side of the dwelling. The rear garden is fairly spacious.

History

No relevant planning history.

Consultation Responses

No consultation responses.

Planning Considerations

Size and Scale

The proposed rear extension to the first floor will project by approx. 2m with a width of approx 3.2m. The first floor extension will cover the same footprint as the ground floor kitchen area which projects to the rear. The first floor extension is considered to not be overbearing in nature and is well proportioned in the context of the original house.

The proposed extension to the rear of the garage will project out by approx. 1m and with a width of approx 2.6m, which is the width of the existing garage. The proposed extension will give additional space for the addition of a home sauna and gym area.

Overall the proposed size and scale of the extensions is suitable in the context of the original dwelling and complies with Policies 2 and 3 in the South East Lincolnshire Local Plan, 2019 and Section 12 in the NPPF, 2019 in this regard.

Layout and Design

The proposed first floor extension will provide additional space to the fourth bedroom, with the new window in the same place on the new rear elevation as the existing.

The ground floor rear extension to the garage will form an additional area internally for a sauna room which will have a new entrance internally from the proposed gym room. The gym area is a proposed to have a new set of french doors facing south into the garden. The proposed layout of the rear extension is considered acceptable.

There is no issue with such small scale extensions that enhance living space for the occupiers.

All materials would match existing.

Taking the above into account, the proposed layout and design is considered to be acceptable and complies with Policies 2 and 3 in the South East Lincolnshire Local Plan, 2019 in this regard.

Impact upon Residential Amenity

The proposed extension to the first floor bedroom will include a window which will be situated on the rear elevation, replacing the existing window but further out. The separation distance between the window and existing windows on the property to the east would be approx 17m and would be at a slight angle. There are several dwellings within this residential area that carry similar separation distances from their neighbouring property rear to rear (e.g. No's 7-9 Sharman Way and 18 Nicolette Way, as well as 1 Tyne Close and 7 Tiber Court). Furthermore, there have been no neighbour objections. Therefore it is not considered that the separation distance in this case would be a justifiable reason for refusal.

Both proposed extensions to the property are not considered to be overbearing in nature and neither be considered to have an impact upon overshadowing due to their minor scale and positioning.

Therefore the proposed extensions complies with Policies 2 and 3 in the South East Lincolnshire Local Plan, 2019 and Section 12 in the NPPF, 2019 in regards to impacts upon residential amenity.

Parking provision

The partial conversion of the garage to a home gym will render it unavailable for parking, therefore there should be at least 3 car spaces within the curtilage of the property to comply with policy. The curtilage has a block paved front which is used for parking and a large side tarmac driveway. Overall, parking within the curtilage will be sufficient for 3 car spaces and is therefore considered

acceptable, and in accordance with the South East Lincolnshire Local Plan, 2019.

Conclusion

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

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.