DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0605-19**	**Applicant:**	**Mr J Porter**
Proposal:	Extension and alterations		
Location:	52 Hawthorn Bank Spalding		
Terminal Date:	12th August 2019		

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)

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is an application for an extension and alterations at 52 Hawthorn Bank, Spalding. The proposal seeks to provide a family / dining room rear elevation extension that projects 4.05 metres from the original rear wall and is 8.24 metres in width. Above the roof is to be used for balcony purposes and will be bordered by glass or stainless steel. The walls of the proposed extension will be cream coloured cement cladding with the roof, on which the balcony will be sited, constructed from fibreglass or rubber membrane.

Site Description

The proposal is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design.

History

H16-0419-90

Extension to bungalow and garage - Approved - 20 August 1990.

Consultation Responses

None

Planning Considerations

- Proposed design and materials of construction
- Precedent and overlooking

The proposed design and materials of construction are considered to be appropriate for the site. The cream coloured cement cladding for the extension is not visible from other properties or the highway, and is not considered to materially impact the character of the dwelling or the area in which it is set.

The rear of the property, where the extension is to be sited is set a significant distance behind the rear elevations of adjacent properties. An existing balcony and other rear facing windows at 52 Hawthorn Bank already give a degree of overlooking to the furthest extent of the rear gardens of adjacent properties to the north. The proposed balcony is not considered to materially increase overlooking aspects.

There is not considered to be any material harm to neighbouring residential amenity from overlooking . The design, scale and layout is considered to be acceptable for the site and does not materially impact the character of the dwelling or the surrounding area.

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.

A delegated approval is considered to be appropriate.

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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.