DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0623-21**	**Applicant:**	**Mrs K Greengrass-Munton**
Proposal:	Proposed rear extension		
Location:	20 Chamomile Way Spalding		
Terminal Date:	9th August 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

NPPF 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 rear extension at 20 Chamomile Way, Spalding.

Site Description

The site is situated within the settlement of Spalding, according to the South East Lincolnshire Local Plan, 2019. The property is a terraced dwelling situated to the south of Chamomile Way within a cul-de-sac with five other properties of a similar age and design. To the front of the dwelling is a parking court with two allocated spaces to 20 Chamomile Way. There is a small patch of gravel to the front. Access to the rear of the property is via a gate to the west of no.22 and a path which wraps around its rear garden. The rear garden is small, which is typical of dwellings in this area.

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 rear extension will protrude from the rear elevation by approx. 2.7m and a width of approx. 3m. The rear extension will have a maximum overall height of approx. 3.5m and eaves height of approx. 2.5m. Having regard to the existing dimensions of the house and plot it sits within, the proposed rear extension is acceptable in terms of scale, mass and bulk.

Facing brickwork on walls, concrete roof tiles and UPVC in fenestration will match those existing in the property and a monopitched roof will be formed to cover the proposed extension. Thus, the development will appear well blended with the fabric of the house and visual amenity will not be undermined given that it is to be sited to the rear of the dwelling.

Internally, the purpose of the development is to enable the creation of a play area off the existing living room, which is in keeping with the residential use and will meet the functional needs of the householders.

Taking the above into account, the proposed rear extension is 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.

Impact upon 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 rear extension will have a new patio door on the northern side elevation and a window on the rear elevation facing east. The existing rear door will be replaced with a window. There should be no material adverse overlooking aspect from the proposed window to the eastern elevation as the dwellings to the east are not directly facing the dwelling. The northern elevation of the extension would be approx. 22m from the facing elevation of the property to the north of the opposite side of Chamomile Way which is a satisfactory separation distance.

The proposed extension would not be overbearing or have an overshadowing impact given its minor scale and single storey nature.

Taking the above into account, the proposed rear extension is 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 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.

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.