DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0628-21**	**Applicant:**	**Mr A Main**
Proposal:	First floor extension & alterations		
Location:	3 The Chantry Spalding		
Terminal Date:	3rd August 2021		

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 2019

NPPF 2021
Section 12. Achieving well-designed places.

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	1	0	0
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for a first floor rear extension to extend the existing rear bedroom. The extension would measure 4.4 metres (depth) x 4.6 metres (width). It would have a pitched roof with a gable end facing the rear. All external materials would match the existing dwelling.

SITE DESCRIPTION

The property is a detached two storey dwelling on The Chantry. The property is red brick built with white windows. It has a bay window to the front with a small front projecting canopy element to the front. There is a double integrated front projecting garage with a gravelled driveway in front providing 2no additional parking spaces. The immediate area comprises detached dwellings with varying design features.

RELEVANT PLANNING HISTORY

H16-1629-06 - Sun lounge extension to dwelling - Approved

REPRESENTATIONS

Cllr A M Newton
Does not appear to cause any overlooking so happy to support.

Public

A third party comment has been received recommending the installation of a minimum of 3no swift nest bricks be required by a planning condition to provide enhancement for biodiversity.

The adjacent neighbour at no.5 has objected to the scheme siting the following concerns:

·Significant overshadowing and loss of light to the conservatory and rear bedroom
·Loss of visual amenity from rear bedroom
·Loss of privacy/overlooking
·The extension would be very bulky and the roof design is unsympathetic

PLANNING CONSIDERATIONS

Layout, Design, Size and Scale

Paragraph 127 of the 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 adjacent neighbour has objected to the scheme on grounds of design and considers the extension to result in a bulky appearance and an unsympathetic roof design. The concerns are noted, however, the proposed extension is considered to be well design and proportionate to the existing dwelling. In terms of its footprint, the dwelling would remain similar to other dwelling in the area. The ridge of the roof sitting lower than the existing roofline would create an element of subservience. In addition, the use of matching external materials would ensure the extension is not at odds with the existing dwelling.

As such the extensions would on balance comply with the aforementioned policies on design, layout and impact upon the character of the local area.

Impacts upon Residential Amenity

The adjacent neighbour at no.5 located to the north-east of the application site has objected to the proposed development on grounds that it will result in significant overshadowing and loss of light to their conservatory and rear bedroom, loss of visual amenity from their rear bedroom and loss of privacy and overlooking from the proposed juliette balcony.

The concerns are noted, however, it is not considered that the proposed extension would result in any overbearing impact or unacceptable levels of overshadowing. Due to the staggered layout of the dwellings this neighbour is set back from the application site so its main rear elevation with primary windows is set 2.3 metres back from the applicants existing two storey element. As such the proposed extension would only project 2.1 metres beyond this neighbours two storey element.

Given this and the fact the extension would be located approximately 2.5 metres from this neighbours closest elevation it would not result in any overbearing impact. There may be some overshadowing to a small part of this neighbours dwelling for part of the day, which can on balance be accepted. In addition, the proposed extension would not block the 45 degree view from this neighbours primary windows on its rear elevation. The proposed juliette balcony would not directly overlook this neighbour therefore there are no overlooking or loss of privacy concerns. As such the impact is considered to be negligible and within acceptable tolerances.

With regards to the neighbour to the south at no.1 the proposed extension would be located approximately 7.6 metres from the shared boundary with this neighbour. This separation distance is considered sufficient as to not result in any overbearing impact or unacceptable overshadowing. In addition, no windows are proposed in the side elevation facing this neighbour therefore there are no overlooking or loss of privacy concerns.

With regards to the neighbour to the rear, the extension would be located approximately 13 metres from the rear boundary. This distance is considered sufficient as to not result in any overbearing impact or unacceptable overshadowing. The proposed development would introduce a first floor juliette balcony on the rear elevation which would be 4.4 metres closer to this neighbour. Given the balcony would only directly overlook a small section of this neighbours rear garden it can on balance be accepted.

As such the proposal would accord with Paragraph 127 of National Planning Policy Framework (2019) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Parking

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision. The proposed scheme would not increase the number of bedrooms in the property not would it impact the existing parking arrangements therefore the parking requirement for the site would remain the same. As such the scheme is considered to comply with the current parking standards.

Other matters

One letter of representation has been received from a local resident recommending installation of a minimum of 3no swift nest bricks be required by a planning condition to provide enhancement for biodiversity. The comments are noted, and a condition recommended to this effect.

Planning Balance

The proposal will not materially harm the character or appearance of the locality or amenity of nearby residents. The planning balance is therefore considered to be in favour of the proposal.

CONCLUSION

In light of the considerations above, the proposal is considered to be in accordance with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (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.

RECOMMENDATION

The application can be approved under delegated powers.