

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0629-21 **Applicant:** Mr W Taylor
Proposal: Proposed Rear Extension
Location: 45 Belvedere Close Spalding
Terminal Date: 15th October 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 2021

Section 12- Achieving well-designed places.

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed rear extension to the property at 45 Belvedere Close, Spalding.

Site Description

The site is situated within the settlement of Spalding according to the South East Lincolnshire Local Plan, 2019. 45 Belvedere Close is a semi-detached situated in a residential area, characterised by

frontage development. To the rear of the property (west) is a railway line and the properties to the north are some distance away. The dwelling sits within a large curtilage, with a large gravelled driveway to the front and a spacious garden to the side/rear.

History

H16-0642-10- Full Approved 22-09-10- Demolition of garage and erect two-storey extension to provide family room, dining room, wc and bedroom with en-suite.

Consultation Responses

Welland & Deepings IDB - Agreement was reached in principle for a proposed extension to the rear of the property with no part of the extension being closer than six metres to the top edge of the Board-maintained Railway Delph

Drain which bounds the site along the north-west. Should planning permission be granted, then an application for a relaxation of the nine metre byelaw distance needs to be submitted to the Board in advance of site works. The application is subject to the agreement of technical details with the Board. The proposed method of discharging surface water run-off from the proposed extension should be confirmed to the Board.

Public (1 objection, summary) -

- Overbearing; impact on visual amenity and light to neighbouring property
- No party wall agreement sought or been agreed with neighbour
- Disruption during construction; Impact on health of nearby residents by virtue of dust and noise from construction
- Noise disruption from use of new indoor space
- Design does not fit with the appearance of the area
- Concern over drainage of water from flat roof
- Disruption to wildlife in hedge at bottom of garden

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 a maximum of approx. 6m and a maximum width of approx. 9.7m. It would project around 3m further out than the existing conservatory to be demolished and have a flat roof. 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.

The proposed external materials include facing brickwork to match existing, anthracite grey upvc bi fold door and flat roof windows. Thus, the development will appear well blended with the fabric of the house and visual amenity will not be undermined.

A flat roof will be formed to the proposed extension. As much as flat roof extensions are not considered favourable, due to it being to the rear of the dwelling it will not impact on the overall character of the surrounding area and is considered acceptable.

Internally, the purpose of the development is to gain further internal floor space for enlarging and creating new rooms inside the house. This includes creating an open plan kitchen, dining and living area off the existing kitchen. The existing dining room will be used as a utility room off of the kitchen. Overall, the proposals will ensure good living conditions for the house occupiers and are in keeping with the residential use of the property.

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 bi-fold doors situated to the proposed rear and side elevations are not considered to have a detrimental impact in terms of overlooking as those on the rear elevation face towards the railway line and there is considered screening by mature trees to the side.

Despite concern being raised that the proposed extension would have an overbearing, enclosing feel and an adverse impact on visual amenity and light to the neighbouring property, it is not considered that there would be a material adverse impact that would justify refusing the application on any of these grounds. The extension would extend approx. 3m further than the existing conservatory and would be approx. 14cm higher than the highest part of that conservatory. Both existing and proposed are designed to adjoin the boundary. The proposed extension would be around 1m higher than the boundary fence, which is a difference of approx. 750mm when compared to existing. Given that the extension would be sited to the north of the adjoining dwelling, it is not considered that it would result in a material loss of daylight to the neighbouring property. The property to the south of no. 43 is on the same building line and has no rear extension, therefore it is the opinion of officers that there would be no material enclosing or overbearing impact, particularly given that the proposal has been revised to a flat roof. It is also noted that there are other semi-detached properties in the vicinity that have been extended by this extent from the rear elevation (27 Belvedere Close and 16 Kensington Drive).

Concerns are raised from a member of the public regarding the disruption of fresh air whilst building work occurs. Whilst I sympathise with the objector, potential health impacts on particular individuals is not a material planning consideration.

Run off of water from the proposed flat roof is also a concern raised. This is a Building Control matter which would be considered at that stage.

Regarding concern about noise disruption from the use of the new indoor space, it is not considered that the proposed uses in the extension would not give rise to a material adverse noise impact over and above that expected by a dwelling.

Taking the above into account, the proposed 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 does 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

A concern is raised that no party wall agreement has been sought or agreed. This is a civil matter and can therefore not be considered within this application.

Concerns were also raised over the disruption to wildlife believed to be in the hedge at the end of the garden. Given the size of the site, it is unlikely there would be a material adverse impact upon wildlife.

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 therefore for a delegated approval.