

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H16-0657-22      **Applicant:** Mr D Berry & Ms N Crowshaw

**Proposal:** Extension to Dwelling

**Location:** 2 Pine Court Spalding

**Terminal Date:** 26th August 2022

### 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        |

### CASE OFFICER ASSESSMENT

#### Proposal

This is a householder application seeking permission for a proposed extension to the dwelling at 2 Pine Court, Spalding.

#### Site Description

The detached dwelling is situated within the defined settlement of Spalding within a residential housing estate in the cul de sac of Pine Court. The dwellings in this area are of a similar age and design and are situated on similar sized plots with a spacious rear garden with properties also situated to the rear of the dwelling.

The dwelling has a large block paved driveway to the side of dwelling with a small front garden.

#### 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 single storey rear extension would protrude from the rear elevation by approx. 5.3m by 2.5m wide. Having regard to the existing dimensions of the house, the proposed single storey rear extension is acceptable in terms of scale, mass and bulk.

The external materials include facing brickwork on walls and concrete roof tiles to match those existing in the property and aluminium framed fenestration. A dual pitched roof will be formed to cover the proposed extension, which is considered to compliment the original pitched roof structure of the dwelling. There will also be a wood burning stove which will include a flue that terminates 600mm above the ridge level. As this is located to the rear it will not impact to street scene. Overall, the development will appear well blended with the fabric of the house and visual amenity will not be undermined.

Internally, the purpose of the development is to gain further internal floor space for creating an open plan family room off of the existing kitchen/diner room which is keeping with the residential use of the dwelling.

Taking the above into account, the proposed single storey 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.

### 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 windows will be set on the rear elevation and will be approx. 15m away from the neighbouring first floor rear elevation. It is not considered that the proposed rear elevation windows will overlook unacceptably, given that the proposed extension is single storey and the dwelling to the rear has a conservatory of similar distance from the rear elevation of 2 Pine Court. The proposed bi fold doors will be set on the east side elevation of the extension. There are no side elevation windows that would overlook unacceptably from the neighbouring dwelling to the east and is therefore considered acceptable in terms of overlooking.

The proposed extension is not deemed as overbearing and will not have an adverse overshadowing impact due to the single storey nature of the development.

Taking the above into account, the proposed single storey 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 single storey 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.

## **Conclusion**

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.