

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0691-22 **Applicant:** Mr & Mrs Dommere
Proposal: Two storey extension to provide additional residential accommodation
Location: 7 Johnson Avenue Spalding
Terminal Date: 14th September 2022

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 2021

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 at 7 Johnson Avenue, Spalding for two storey extension to provide additional residential accommodation. The proposal seeks to provide a two storey extension to the rear that contains a wc, and an open plan dining / kitchen room. At first floor level a bathroom and an additional bedroom will be provided. The bathroom will have a diagonal side elevation wall to prevent overshadowing to the adjacent terraced dwelling at 6 Johnson Avenue. Proposed walls will be render to match the existing dwelling and grey fibre glass for the flat roof.

SITE DESCRIPTION

The proposal is within defined settlement limits and the surrounding area is characterised by two storey terraced dwellings of a similar age and design. The site is in Environment Agency Flood Zone 3 and is in a "Danger for All" hazard area with a maximum predicted flood depth of 2 metres and above. Because the proposal is for an extension to the existing dwelling there is not a

requirement to raise finished floor levels to address flood risk.

RELEVANT HISTORY

None

CONSULTATION RESPONSES

None

PLANNING CONSIDERATIONS

Principle of development

This application is for residential development on residential land within defined settlement limits. The principle of development in this location is considered to be acceptable.

Assessment against SELLP Policy 2 - Development Management

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout is considered to be acceptable in this location. No trees will be removed to facilitate this proposal. There is not considered to be a material impact on the character and amenity of the surrounding area.
2. The proposed design is to reduce amenity impact upon neighbouring dwellings, and the orientation is that of a standard rear extension.
3. Proposed walls will be render to match the existing dwelling and grey fibre glass for the flat roof. These materials are considered to be appropriate for the site.
4. This terraced property is solely served by on street parking. There is not considered to be a material amenity impact on the nearby highway by increasing the number of bedrooms from 2 to 3.
5. There will not be a material impact on the capacity of existing community services and infrastructure as a result of the proposed extension.
6. There is not considered to be a material increase in noise, odour or disturbance as a result of the proposal. With regard to visual intrusion the following can be observed:

Overdevelopment - There is ample amenity space remaining in the rear garden.

Overlooking - The proposed windows at ground floor level face 1.8 metre high fencing with the north facing first floor bathroom window to be obscure glazed and the bedroom window not creating a new overlooking aspect and directly facing the rear garden of 7 Johnson Avenue.

Overshadowing - The extension is sited to the north west of 8 Johnson Avenue. Due to the southerly trajectory of the sun this dwelling will not experience any loss of light as a result of the proposed extension. To minimise light loss to 6 Johnson Avenue the proposed extension is tapered at first floor level and has a flat roof. Due to the proposed design when right to light lines are drawn none of the windows at 6 Johnson Avenue are materially overshadowed.

7. The site is in Environment Agency Flood Zone 3 and is in a "Danger for All" hazard area with a maximum predicted flood depth of 2 metres and above. Because the proposal is for an extension to the existing dwelling there is not a requirement to raise finished floor levels to address flood risk.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout is considered to be acceptable in this location. No trees will be removed to facilitate this proposal. There is not considered to be a material impact on the character

and amenity of the surrounding area. Due to the location and design there is not considered to be a material impact on a sense of place as a result of the proposed extension.

5. Ample space remains on site for cycle and bin storage. This terraced property is solely served by on street parking. There is not considered to be a material amenity impact on the nearby highway by increasing the number of bedrooms from 2 to 3.

11. There is not considered to be a material increase in noise, odour or disturbance as a result of the proposal. With regard to visual intrusion the following can be observed:

Overdevelopment - There is ample amenity space remaining in the rear garden.

Overlooking - The proposed windows at ground floor level face 1.8 metre high fencing with the north facing first floor bathroom window to be obscure glazed and the bedroom window not creating a new overlooking aspect and directly facing the rear garden of 7 Johnson Avenue.

Overshadowing - The extension is sited to the north west of 8 Johnson Avenue. Due to the southerly trajectory of the sun this dwelling will not experience any loss of light as a result of the proposed extension. To minimise light loss to 6 Johnson Avenue the proposed extension is tapered at first floor level and has a flat roof. Due to the proposed design when right to light lines are drawn none of the windows at 6 Johnson Avenue are materially overshadowed.

12. The site is in Environment Agency Flood Zone 3 and is in a "Danger for All" hazard area with a maximum predicted flood depth of 2 metres and above. Because the proposal is for an extension to the existing dwelling there is not a requirement to raise finished floor levels to address flood risk.

This application accords with SELLP Policy 3.

PLANNING BALANCE

By virtue of the tapered first floor bathroom and flat roof there is not considered to be a material impact on the character and amenity of the surrounding area. This application is considered to accord 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, 2021.

CONCLUSION

This application is recommended for 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.