

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0704-21 **Applicant:** Mr & Mrs J Cook
Proposal: Proposed rear extension & alterations
Location: 11 Westbourne Gardens Spalding
Terminal Date: 24th 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 and alterations to the property at 11 Westbourne Gardens, Spalding.

Site Description

The site is situated within the settlement of Spalding, according to the South East Lincolnshire Local Plan, 2019. The property is on the eastern side of Westbourne Gardens, which is a residential cul-de-sac. The surrounding dwellings are of a similar design and are also situated on spacious plots.

To the front is a large grassed front garden and to the north side of the dwelling is a large block paved driveway, with an attached garage. There is access to the rear of the property via the side access gate. The rear dwelling is a spacious size and is typical to the dwellings within the cul-de-sac of Westbourne Gardens. There are mature high trees along the rear boundary, ensuring privacy

to the rear of the property.

History

H16-1251-00- Approved 14-12-00- Proposed dwellings and garages.

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 involve the replacement of the existing rear conservatory and will protrude from the rear elevation (from the lounge) by approx. 5.9m and an overall width of approx. 9.9m. A small portion of the rear extension will extend approx. 1.9m beyond the rear elevation of the attached garage. 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 fenestrations will match those existing in the property. Thus, the development will appear well blended with the fabric of the house and visual amenity will not be undermined.

A pitched roof will be formed to cover the proposed extension, which is considered to compliment the existing roof structure of the original dwelling.

Internally, the purpose of the development is to gain further internal floor space for enlarging and creating new rooms inside the house. This includes a new open plan kitchen and a new family room. 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 proposed windows are situated to the rear elevation of the proposed extension and include bi fold doors and floor to ceiling windows. There is not considered to be any overlooking impacts to the rear, due to the trees at the rear of the property which offer good screening from any dwelling to the rear. Roof lights are proposed to the south elevation of the roof and are deemed to not impact upon overlooking of the neighbouring property at no.10 Westbourne Gardens due to there being no window on the side elevation of that property.

The proposed extension is also not deemed to be overbearing or create overshadowing towards the neighbouring properties, due to the single storey nature of the proposal and the properties being situated on a spacious plot.

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 single storey 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.