

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0737-20 **Applicant:** Mr & Mrs White
Proposal: First floor side extension & two storey front extension
Location: 41 Apeldoorn Gardens Spalding
Terminal Date: 5th November 2020

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 2019

Section 12 of the National Planning Policy Framework (2019)

12 - Achieving well-designed places.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a full application for a first floor side extension & two storey front extension at 41 Apeldoorn Gardens, Spalding. The proposal seeks to provide a bedroom and wet room at ground floor level, with a bedroom, en-suite and storage at first floor level. Brick and tiles would be to match that of the existing dwelling. The purpose of the downstairs bedroom is to met the care needs of the occupant and the people that care for them.

Site Description

The proposal site is within the defined settlement limits of Spalding and the surrounding area is characterised by dwellings of a similar age and design. The site is within Flood Zone 3 on the Environment Agency Flood Maps and is not subject to increased flood risk or flood hazard on the

History

H16-0129-03

Full - Front extension to house - Approved - 20 March 2003.

H16-0768-17

Full - Erect extension over single-storey part with two-storey front extension and room in the roof - Approved - 14 September 2017

Consultation Responses

None.

Planning Considerations

Principle of development

The proposal is within defined settlement limits and is for residential development on residential land. Therefore, the principle of development in this location is agreed.

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

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

1. The size, scale and layout is comparable with the previously approved application under reference H16-0768-17. However the layout is considered to be reduced in scale as the proposed loft conversion on the previous application is not shown on the plans under consideration. There is not considered to be an impact on occupant amenity from this proposal and it will aid the care of the occupant who requires on site medical aid from trained professionals. Trees are not impact by this proposal. There is not considered to be a detrimental impact to the character and appearance of the dwelling or surrounding area as there is a similar scale of property extension within the surrounding area of Apeldoorn Gardens.
2. The design is considered to best meet the needs of the applicant and carers without impacting the character of the surrounding area. The orientation is such that new fenestration is considered to form a standard front / rear arrangement with the sole side elevation first floor window serving the en-suite being obscure glazed to protect privacy.
3. Materials of construction are to match those of the existing dwelling and this will help to preserve the built character of the surrounding area.
4. The proposal whilst removing part of the parking area, will still be able to afford two off road parking spaces with a distance of 4.945 metres from the edge of the single storey extension to the site boundary. Vehicular traffic is not expected to increase as a result of this proposal.
5. The proposal will not impact local services or infrastructure.

6. There will not be an impact on neighbour amenity from noise, odour, disturbance or visual intrusion. New fenestration is on a standard front / rear orientation, with the side elevation first floor en-suite window being obscure glazed. Furthermore, the neighbouring property that the extensions would be closest to have no side facing windows so it shall not affect their visual amenity. The west facing windows that serve the first floor bedroom face the open plan frontage of 39 Apeldoorn Gardens, so no new overlooking aspect is afforded.

7. The proposal is not considered to impact land drainage or flood risk as the entirety of the extension is on land which has previously been developed.

8. The proposal is not considered to impact natural habitats, historical buildings or heritage assets.

9. The proposal does not impact sand or gravel mineral resources.

Topography

The proposal site is flat but the dwellings to the northern rear of the site on Winsover Road are located on land which is higher than that of the proposal site.

Impact of development

There is not considered to be any material harm to neighbouring residential amenity from overlooking or overshadowing. The design, scale and layout is considered to be appropriate for the site and does not materially impact the character of the dwelling or the surrounding area.

Conclusion

In light of the above considerations the proposal is considered to be in accordance 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, 2019.

A delegated approval is considered to be appropriate.

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.