

**DECISION DELEGATED TO DEVELOPMENT MANAGER****DECISION DELEGATED TO DEVELOPMENT MANAGER**

**Application No:** H16-0764-20      **Applicant:** Mr & Mrs B Morris  
**Proposal:** Extension & Alterations  
**Location:** 8 The Wyke Spalding  
**Terminal Date:** 9th November 2020

**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**

Section 12 - Achieving well designed places

**Representations:**

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

**CASE OFFICER ASSESSMENT****Proposal**

The application proposes a flat roof single storey extension to the rear of a semi-detached house and attached garage to provide a sun room and shower room. The extension would project 2.69m to the rear of the original house and the same to the rear of the garage which already projects beyond the rear wall. The shower room element would "fill in" the dog leg element of the garden which adjoins two other gardens. It would be set in 0.225m from each boundary. The sun room would be set in 3.15m from the boundary with No.10. There would be no side or rear windows in the shower room element facing the adjacent gardens. There would be a window in the side elevation of the sunroom.

**Site Description**

A semi-detached house on a modern housing estate. The house is white rendered above brick, with the adjoining house in brick. The garage is also brick and is a "double" garage with the other

half of the structure providing the garage for the adjacent house. There are close boarded fences to the garden boundaries with the closest panel to No10, having trellis above a lower fence.

## **History**

None relevant.

## **Consultation Responses**

None.

## **Planning Considerations**

### Layout, Design, Size and Scale

Paragraph 127 of the National Planning Policy Framework (NPPF), 2019 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 extension would be modest in scale as set out above and would be built of matching facing materials. Being to the rear of the property it would have little visual impact. Thus the proposed extension is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2019 in terms of layout, design, size and scale.

### Impact upon Residential Amenity

There are two windows proposed to the side elevation facing the adjoining property. One is a small window to the shower room with the other to the sunroom set in 3.15m from the common boundary, which is considered sufficient to limit any impact upon the neighbouring property. The proposed French doors to the rear elevation are not considered to have any impact upon the amenity of the neighbouring property. Therefore, the nature and scale of the development and its general relationship to neighbouring residential properties is considered to be such that the amenity of nearby residents would not be harmed to a significantly greater degree than at present in terms lack of privacy, overlooking, overshadowing, blockage of light, noise/disturbance, etc.

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, 2019 in terms of residential amenity.

## **Conclusion**

In light of the considerations above the proposed development is considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and of Section 12 of the National Planning Policy Framework (2019).

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.