DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0778-22**	**Applicant:**	**Mrs M Zarychta**
Proposal:	First floor extension		
Location:	Bardon House 28 Osier Road Spalding		
Terminal Date:	4th October 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

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 first floor extension to the property at Bardon House, 28 Osier Road, Spalding.

Site Description

The property in question is a detached dwelling of a red facing brickwork. The property has a large driveway to the front and side, with a small grassed front garden and no boundary treatment. The dwelling is set back from the road. It has a side access to the rear on the south west side of the property.

The surrounding area is fairly densely populated with similar styled dwellings of a variety of facing

brickwork, on spacious plots. The dwelling is positioned on a bend of Osier Road.

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 first floor extension would be to the south-western side elevation of the dwelling and will cover the existing ground floor footprint, projecting as far forward as the existing front elevation of the garage. Having regard to the existing dimensions of the house and plot, the proposed extension is acceptable in terms of scale, mass and bulk.

The external brickwork and roof tiles will match those existing in the property. A cross gable roof will be formed to cover the proposed first floor extension, with a pitch angle and maximum ridge height to match the existing roof line. Thus, 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 enlarging and creating new rooms inside the house. This includes the existing fourth bedroom being changed into an open plan landing, combined with a study area and a new larger fourth bedroom being created, to include a dressing area, en-suite and a balcony to the front elevation.

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 first floor 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 side elevation window will be for the proposed bedroom and would be approx. 9.2m away from the neighbouring side elevation to the south west. However, this is a high-level window and therefore there would be no direct overlooking.

The proposed front elevation bi-fold doors and balcony would be approx. 25m away from the closest side elevation of the neighbouring property to the north west on the other side of the road. This is tantamount to a typical frontage relationship and would not constitute a material overlooking issue.

It is not considered that the proposal would overshadow or be overbearing to the neighbouring property to the south west (it would barely by visible to that to the north), given the approx. 9.2m separation distance and the facing windows appear to be either secondary or to non-habitable spaces.

Taking the above into account, the proposed first floor side 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.

Parking Provision

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision.

3 no. car spaces must be provided within the curtilage for dwellings with more than 3 no. bedrooms. The drive to the front is sufficient to accommodate two cars, with a double garage also. There is no change to the number of bedrooms in this instance and therefore the car parking provision does not need to change.

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 first floor 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.