

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0789-20 **Applicant:** Mr S Forster

Proposal: Erection of a single-storey rear orangery conservatory style extension including flat roof with a glazed lantern.

Location: 111 Pinchbeck Road Spalding

Terminal Date: 18th 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

This is a householder application for the erection of a single-storey rear orangery conservatory style extension including flat roof with a glazed lantern at 111 Pinchbeck Road, Spalding.

Site Description

The site is a long rectangular plot which accommodates a large detached dwelling. The dwelling forms part of frontage development that backs on to the railway line through Spalding. There are two storey detached dwellings either side. The property to the north sits further back from Pinchbeck Road than the host dwelling and fronts on to the road to the north. In terms of boundary treatment, there is fencing to the southern boundary and a brick wall to the northern boundary. An outbuilding sits within the rear garden. Existing dwellings in the vicinity vary in terms of design.

Relevant History

None.

Consultation Responses

None.

Planning Considerations

Principle of development

The site sits within the settlement boundary for Spalding as set out in the South East Lincolnshire Local Plan (SELLP), 2019. However, irrespective of spatial strategy considerations, the principle of developing a house extension that is incidental to the enjoyment of a dwelling house is acceptable.

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 key material considerations are addressed below.

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 project approx. 5m from the existing rear elevation, be approx. 4.1m in width, with a maximum overall height of approx 2.9m (including roof lantern). It would adjoin the boundary with the neighbouring property to the north. Having regard to the existing dimensions of the house and the plot it sits within, the proposed addition is acceptable in terms of scale, mass and bulk.

Brickwork is proposed to match existing, with windows and doors being grey in colour. A flat roof extension is acceptable given it is sited to the rear of the property and thus not visible from public vantage points.

The development would create an extension to the existing garden room which is in keeping with the residential nature of the property.

Taking the above into account, the proposed extension is considered 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.

Residential Amenity

It is not considered that the proposed extension would have a material adverse impact on residential amenity in terms of overlooking, loss of light/overshadowing or appearing overbearing to neighbouring residents.

The proposed extension is single storey in scale and would sit to the east of the rear elevation of the property to the north and on the opposite side of the site to the dwelling to the south.

There is a west facing window proposed, however there are no properties to the rear of the site and the only first floor window on the property to the north is obscure glazed. The bi-fold doors on the southern elevation would be at such an angle in relation to the first floor windows on the neighbouring property to the south that overlooking would not be a material issue.

Taking the above into account, the proposal is considered to be in accordance with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2019 in terms of residential amenity.

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

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.