DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0825-20**	**Applicant:**	**Mr P Alves**
Proposal:	Erection of rear extension to dwelling - retrospective		
Location:	182 Pennygate Spalding		
Terminal Date:	9th December 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 retrospective application for the erection of a rear extension at 182 Pennygate, Spalding. The proposal seeks to retain an extension that projects 5.4 metres from the original rear wall, is 4.42 metres in width and is 2.5 metres in height. The extension is used as a lounge and also has a bathroom with an obscure glazed side elevation window. The roof is flat and the external walls are k-render.

SITE DESCRIPTION

The proposal is within defined settlement limits and the surrounding area is characterised by dwellings of a similar age and varying designs. The proposal site is within Environment Agency Flood Zone 3, and is not subject to increased hazard or flood risk on the 2115 South Holland

Strategic Flood Risk Mapping. The proposal site slopes away from the dwelling toward the properties at Mansell Gardens to the south.

HISTORY

No relevant history.

CONSULTATION RESPONSES

None.

PLANNING CONSIDERATIONS

Principle of development

The development is within defined settlement limits on residential land. The principle of development is therefore acceptable.

Assessment against South East Lincolnshire Local Plan (SELLP) Policy 2 - Development Management

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 considered acceptable for the site. There is not considered to be an impact on amenity as the development is sited to the rear of the property. Whilst the extension appears large in scale this is accentuated by virtue of the site sloping away. The side boundary to the east is a 1.6 metre high fence and the west boundary is a 1.2 metre high fence so an overlooking aspect to neighbouring gardens was already occurring prior to construction of the extension.

2. The design is functional but as it is sited to the rear of the dwelling is not considered to materially impact the character of the surrounding area.

3. The proposal does not seek to maximise the use of sustainable materials but does have high levels of wall insulation which is considered to increase the environmentally sustainable element of the proposal.

4. Access and vehicle generation levels are not affected by this proposal.

5. Community services and infrastructure are not impacted by this proposal.

6. There is not considered to be a material increase in odour, noise, disturbance and visual intrusion arising from this proposal.

7. Sustainable drainage and flood risk is not impacted by this proposal.

8. Natural habitats, historical buildings and heritage assets are not impacted by this proposal.

9. Sand and gravel mineral resources are not impacted by this proposal.

The proposal is considered to accord with SELLP Policy 2.

Assessment against South East Lincolnshire Local Plan (SELLP) Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. 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.
Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:
1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

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

1. The size, scale and layout is considered acceptable for the site. There is not considered to be an impact on visual amenity as the development is sited to the rear of the property. Whilst the extension appears large in scale this is accentuated by virtue of the site sloping away. The side boundary to the east is a 1.6 metre high fence and the west boundary is a 1.2 metre high fence so an overlooking aspect to neighbouring gardens was already occurring prior to construction of the extension.

2. Distinguishing between public and private space is not impacted by the proposal.

3. The landscape character of the surrounding area is not impacted by the proposal.

4. The proposal is within the built up area of the largest settlement in the district. There is considered to be good access to all modes of transport in the area.

5. The storage of recycling bins, bicycle storage and car parking is not impacted by this proposal.

6. The lighting of public spaces is not impacted by this proposal.

7. Accessibility of public spaces is not impacted by this proposal.

8. Crime prevention and community safety is not impacted by this proposal.

9. The dwelling and extension are already in place, therefore site orientation for low carbon technologies is not relevant to this proposal.

10. Signage, facades and advertisements are not impacted by the proposal.

11. The side boundary to the east is a 1.6 metre high fence and the west boundary is a 1.2 metre high fence so an overlooking aspect to neighbouring gardens was already occurring prior to construction of the existing extension. Given the height and positioning of the extension it is not considered that it is overbearing in nature or impacts adversely on light levels to adjoining dwellings.

12. Sustainable drainage and flood risk is not impacted by this proposal.

13. The proposal does not utilise local materials and water take is not impacted as the land had already been used as a tarmac patio for a number of years.

14. Hedgerows and green landscaping is not impacted by this proposal.

15. Historic buildings are not impacted by this proposal.

The proposal is considered to accord with SELLP Policy 3.

PLANNING BALANCE

Whilst the extension is large in footprint it does not impact residential amenity from overlooking or overshadowing. Additionally, the proposed materials are not readily visible to neighbouring properties and are sited to the rear of the house. The proposal is considered to accord with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019, and Section 12 of the National Planning Policy Framework, 2019.

CONCLUSION

The recommendation is one of 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.