SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 09 November 2022**

(Author: **Maria Salemme - Planning Officer)**

Purpose: **To consider Planning Application H16-0836-22**

Application Number:	H16-0836-22	**Date Received:**	19 August 2022
Application Type:	FULL		
Description:	Demolition of conservatory and bay window and erection of single storey rear extension		
Location:	6 FERN DRIVE SPALDING		
Applicant:	Mr L Spicer	**Agent:**	Oglesby and Limb Ltd
Ward:	Spalding Castle	**Ward Councillors:**	Cllr G J Taylor

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-0836-22

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The applicant is related to an Assistant Director of the South and East Lincolnshire Councils Partnership.

2.0 PROPOSAL

2.1 This is a householder application seeking permission for the proposed demolition of a conservatory and bay window and the erection of a single storey rear extension at 6 Fern Drive, Spalding.

3.0 SITE DESCRIPTION

3.1 The property is a detached dwelling located within a residential cul-de-sac off Pinchbeck Road, Spalding. The dwelling is set back from the road, with a large front grassed garden and a long block paved driveway and garage to the side of the property. There is side access to the rear where there is a reasonable size garden with mature trees on the rear boundary. The size boundaries are defined by a mixture of fencing and brick walling. The dwellings within the cul-de-sac are of a similar age, size and design.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by

the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy 2 - Development Management
Policy 3 - Design of New Development

National Guidance

National Planning Policy Framework (NPPF), 2021

Section 12 - Achieving well-designed places

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 No relevant planning history.

6.0 REPRESENTATIONS

6.1 No consultation responses received.

7.0 CONSIDERATIONS

7.1 **Planning Considerations**

7.2 Layout, Design, Size and Scale

7.3 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 3 of the South East Lincolnshire Local Plan (2019) 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.

7.4 The proposal involves the demolition of the existing bay window and part brick, part upvc, conservatory to the rear of the property, and the erection of a single storey L-shaped extension in their place. It will project from the rear elevation by a maximum of approx. 8.7m and a minimum of approx. 4.1m. It would be no wider that the existing property. Overall, having regard to the existing dimensions of the house and plot it sits within, the proposal is acceptable in terms of scale, mass and bulk.

7.5 The deepest part of the extension would be constructed of brickwork and tiles to match existing, with the shorter element being flat roofed with roof lanterns. Given the location to the rear of the dwelling, it's design will have no impact on the street scene.

7.6 Internally, the purpose of the development is to gain further internal floor space to create an extended kitchen/social space and snug area. Overall, the proposals will ensure good living conditions for the house occupiers and are in keeping with the residential use of the property.

7.7 Taking the above into account, the proposed development 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.

7.8 Residential Amenity

7.9 Paragraph 130 of the 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 the 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.

7.10 The ridge height of the pitched roof element of the extension would be no higher than the existing garages either side of the garden and the extension is separated from the neighbouring dwellings by said garages and driveways. The side facing windows of the extension only face towards a garage wall. The property to the rear is screened by mature trees and there is an approx. 21m separation distance to the windows to the rear in any event.

7.11 In light of the above, it is not considered that the proposal would have a material overbearing, overshadowing or loss of privacy impact.

7.12 Taking the above into account, the proposed single storey 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.

7.13 Planning Balance

7.14 The proposed development will not materially harm the character or appearance of the locality or amenity of nearby residents.

7.15 The planning balance therefore lies in favour of the proposal.

7.16 Conclusion

7.17 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.

7.18 In light of the above, the proposal is considered to satisfactorily accord with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

7.19 **Additional Considerations**

7.20 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.

8.0 RECOMMENDATIONS

8.1 **Grant Permission subject to the Conditions listed at Section 9.0 of this report.**

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

   Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

   Application Form;
   A1597-01 Rev A
   A1597-03
   A1597-11 Rev B

   Reason: For the avoidance of doubt and in the interests of proper planning.

3. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

   This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

---

Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post:	Richard Fidler , Development Manager
Telephone Number:	01775 764428
Email	rfidler@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

© Crown copyright and database rights 2022 Ordnance Survey 100018351.

MAP SCALE 1:1250
CREATED DATE: 26/10/2022
PHOTOGRAPHIC COPY LIABLE TO DISTORTION IN SCALE