

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0878-21 **Applicant:** Mr & Mrs Holmes
Proposal: First Floor Extension & Alterations
Location: 16 Edinburgh Drive Spalding
Terminal Date: 5th November 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development

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
RESIDENTS	2	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed first floor extension and alterations to the property at 16 Edinburgh Drive, Spalding.

Site Description

The site is situated within the settlement boundary of Spalding, according to the SELLP, 2019. The property is a semi-detached dwelling within a residential part of Spalding and sits on the western side of Edinburgh Drive. The dwelling is surrounded by similar types of properties.

History

Consultation Responses

Public (1 comment and 1 objection received, summarised) -

- Impact of scale and design of the proposed extension on the streetscene by virtue of restricting openness between properties characteristic of the area, the mass of the extension and dark cladding proposed
- Loss of light to/overshadowing of neighbouring dwelling
- Dark cladding to side of dwelling adds to overbearing feel
- Applicant's property already has a large number of outbuildings in the rear garden and the addition of the extension will simply add to the overbearing impact of the property
- Concern re over encroachment and overhanging and potential impact on structural stability.
- Loss of privacy; No obscure glazed window to the rear

-Recommendation for a planning condition requiring the installation of a minimum of 3 swift nest bricks to provide enhancement for biodiversity.

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 extension will extend above the existing garage and utility room. The extension will protrude from the northern side elevation by approx. 3.3m and be 8.3m in depth (maximum taken at the eaves). The ridge height of the extension would be lower than the host dwelling. Having regard to the existing dimensions of the house, the proposed first floor extension is acceptable in terms of scale, mass and bulk. Concern has been raised regarding the extension restricting the openness between properties, however the footprint of the building would not be enlarged and a separation distance between dwellings of approx. 3.2m is satisfactory and in keeping with other properties on Edinburgh Drive.

The external materials consist of brown upvc windows, concrete roof tiles and facing brickwork to match existing. In addition, dark fake timber vertical cladding will be added to part of the ground floor of the extension, the former windows and first floor side elevation. Concerns have been raised regarding the dark timber cladding being out of keeping with the character of the surrounding area. However, it can be seen that the dwellings along this road vary in brick type and a dark timber effect cladding would not be unduly obtrusive given the proportion of the dwelling that would be covered.

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 garage being converted to a hobby room connected to the utility room on the ground floor. The extension to the first floor will include an additional bedroom and en-suite to the property. 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 and alterations are 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.

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.

There are two spaces maximum within the curtilage of the property, with no on-plot turning. There is

an option for on-street parking which, on balance, would be acceptable.

Impact upon 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 windows are to the front and rear elevations of the first floor extension. Concern has been raised regarding overlooking from the rear facing window, however this window would be to an en-suite bathroom and it has been confirmed it would be obscure glazed. The windows to the front are tantamount to a typical frontage relationship. There would therefore not be a material overlooking impact from the proposal.

The side elevation first floor windows to the neighbouring property are for a landing and bathroom. To the ground floor of the neighbouring side elevation is a back door with a small window through to the kitchen. These spaces are not deemed 'habitable rooms' in planning terms and therefore it is not considered that there would be a material overbearing or overshadowing impact such that would justify refusing the application. Impact on views is a consideration but one which carries very limited weight in the overall planning balance, particularly where non-habitable rooms are concerned.

Taking the above into account, the proposed first floor extension are deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity.

Other Considerations

Concern has also been raised regarding the overhanging of fascias and guttering on the northern side. The existing overhang was constructed before it was owned by the existing owner. It is confirmed by the agent that the proposal will keep a small piece of the remaining flat roof and the plans have been revised in order that the proposed fascias to the first floor extension will be situated within the boundary of 16 Edinburgh Drive, and therefore no further encroachment will occur from the proposal.

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 and alterations 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.

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

The recommendation is therefore for a delegated approval.