

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0993-20 **Applicant:** Mr D Clay
Proposal: First floor extension above garage/utility
Location: 6 Ambleside Drive Spalding
Terminal Date: 1st January 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 2019

Section 12- Achieving well designed places.

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed first floor extension above garage/utility at 6 Ambleside Drive, Spalding.

Site Description

The dwelling is a detached property situated on the eastern side of Ambleside Drive, a residential cul-de-sac with dwellings of a similar age and design. There is a variety of detached, semi-detached and terraced dwellings along the road.

The dwelling is set back from the road with a large grassed front garden and a block paved driveway to the south of the property.

The rear garden is spacious and well landscaped. There are no properties directly to the rear as the trainline is situated to the rear of the property.

History

H16-0194-02- Approved- 27-03-02- Two Storey extension.

Consultation Responses

Public (1 comment)

Concerns of over natural light being blocked by the proposal.

Network Rail

No observations.

Planning Considerations

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 first floor extension will follow the same footprint as the ground floor garage and sit directly above the garage and utility room. The extension will have a maximum protrusion of approx. 5m from the side elevation and a depth of approx. 5.3m. The ridge height would be lower than the existing and therefore would appear subservient in form. Having regard to the existing dimensions of the house, the proposed addition is acceptable in terms of scale, mass and bulk.

A hipped roof will be formed to cover the proposed extension, which will be in keeping with the existing roof structure.

Facing brickwork on walls and cladding/boarding, concrete roof tiles and UPVC in fenestration and rainwater goods will match those existing in the property. 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 the creation of an additional bedroom and en-suite which will be accessed by a new corridor in between bedrooms 1 and 2. The existing garage rear window will also be replaced with French doors, allowing access to the rear garden.

Overall, the proposals will ensure good living conditions of the house occupiers and are in keeping with the residential use of the property.

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

Impacts upon Residential Amenity

The proposed windows on both the front and rear walls of the two-storey extension will not overlook unacceptably to any residential plot neither habitable rooms of other dwellinghouses. It will be tantamount to a typical front and rear relationship. No openings will be created on the side elevation which might have potentially cause overlooking to no. 4.

Concern has been raised regarding the impact the proposal would have in terms of natural light levels to the closest property to the extension. Taking into account the orientation of the dwellings, it is not considered that the proposal would have a material detrimental impact in terms of overshadowing/loss of light due to the property being situated to the south of the extension. The closest part of the neighbouring property is also a garage, which is not considered to be a habitable space in planning terms.

The separation distance between properties would not be altered and is sufficient so as to not be overbearing upon neighbouring occupants.

Furthermore, the previous planning application H16-0194-02 was almost identical to the extension proposed by this application and an approval was considered appropriate at that time.

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

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 above garage/utility room 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 for a delegated approval.