

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-1000-21 **Applicant:** Mr & Mrs A Modd
Proposal: Proposed first floor extension & internal alterations to existing dwelling
Location: 5 Lucerne Close Spalding
Terminal Date: 22nd November 2021

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 2021

Section 12 of the National Planning Policy Framework (2021)

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 a proposed first floor extension & internal alterations to an existing dwelling at 5 Lucerne Close, Spalding. The proposal seeks to provide an extension above an existing garage, which will contain a bedroom, en-suite and a dressing room. There will be no side elevation first floor windows. Materials of construction are to match those of the existing dwelling.

SITE DESCRIPTION

The application site is within the defined settlement limits of Spalding which is the largest settlement in the district. The surrounding area is characterised by dwellings of a similar age and design. The site is in Environment Agency Flood Zone 3, and is subject to "Low Hazard" with a maximum

predicted flood depth of 0.25 metres.

HISTORY

No relevant history.

CONSULTATION RESPONSES

None received.

PLANNING CONSIDERATIONS

Principle of development

This application is for residential development on residential land in defined settlement limits. The principle of development in this location is considered to be acceptable.

Assessment against 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 relevant criteria the following can be observed:

1. The size, scale and layout is considered to be appropriate for the site. The footprint of the building is not being extended. No trees are being removed to facilitate this proposal. It is not considered that the character and appearance of the surrounding area will be materially impacted.
2. The design and orientation is that of a standard above garage extension with windows to the front and rear at first floor level.
3. Materials of construction are to match the existing dwelling. This is considered to benefit the overall appearance.
4. Access and vehicle generation levels are not considered to be materially impacted by this proposal.
5. Existing community services and infrastructure will not be materially impacted by this proposal.
6. There is not considered to be a material noise, odour or disturbance impact. With regard to overlooking the fenestration arrangement is considered to constitute a standard frontage layout. It is anticipated that the en-suite window to the front of the extension will be obscure glazed. There are no first floor side elevation windows at 3 Lucerne Close facing the extension, however there is a window and door at ground floor level. This window and door is just over 1 metre from an existing 1.8 metre high fence with the existing garage approximately 2.5 metres away. As the extension will be on a dwelling on the same line of frontage as the adjacent properties, taking into account this and the sun path, there is not considered to be a material overshadowing or overbearing impact to the dwelling at 3 Lucerne Close to the east.
7. The site is in Environment Agency Flood Zone 3, and is subject to "Low Hazard" with a maximum predicted flood depth of 0.25 metres. There is not a requirement to raise finished floor levels as the

development is at first floor level and an extension to an existing property.

This application accords with SELLP Policy 2.

Assessment against 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 relevant criteria the following can be observed:

1. The size, scale and layout is considered to be appropriate for the site. The footprint of the building is not being extended. No trees are being removed to facilitate this proposal. It is not considered that the character and appearance of the surrounding area will be materially impacted. A sense of place is not affected by this proposal.

5. Cycle and bin storage, as well as off road parking provision is not affected by this proposal.

11. There is not considered to be a material noise, odour or disturbance impact. With regard to overlooking the fenestration arrangement is considered to constitute a standard frontage layout. It is anticipated that the en-suite window to the front of the extension will be obscure glazed. There are no first floor side elevation windows at 3 Lucerne Close facing the extension, however there is a window and door at ground floor level. This window and door is just over 1 metre from an existing 1.8 metre high fence with the existing garage approximately 2.5 metres away. As the extension will be on a dwelling on the same line of frontage as the adjacent properties, taking into account this and the sun path, there is not considered to be a material overshadowing or overbearing impact to the dwelling at 3 Lucerne Close to the east.

12. The site is in Environment Agency Flood Zone 3, and is subject to "Low Hazard" with a maximum predicted flood depth of 0.25 metres. There is not a requirement to raise finished floor levels as the development is at first floor level and an extension to an existing property.

This application accords with SELLP Policy 3.

PLANNING BALANCE

It is considered that this extension above a garage can be accommodated on site without materially impacting the character or amenity of the surrounding area from overlooking, overbearingness or overshadowing. This application is considered to accord with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, 2021.

CONCLUSION

This application is recommended for 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.