

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-1018-19 **Applicant:** Mr T Smith
Proposal: Two-storey rear extension
Location: 50 St Pauls Road Spalding
Terminal Date: 12th December 2019

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)

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application for a two-storey rear extension at 50 St Pauls Road, Spalding. At ground floor level a utility room, extended kitchen and a dining room are to be provided. The extension works will be staggered, with the dining room projection being sited forward of the utility, which is sited forward of the playroom. At first floor level an expanded bedroom and three additional bedrooms are to be provided. Bedroom 4 which is adjacent to 52 St Pauls Road will have a flat roof to minimise any loss of light. Fenestration for the bedrooms will be to the rear, save for bedroom 5 which will over look a public footpath and face the obscure glazed bathroom window of 48 St Pauls Road.

Proposed materials will be red engineering brickwork up to DPC and painted smooth render to the

walls. Roofing materials are to match existing.

Site Description

The proposal site is within defined settlement limits with dwellings in all directions. A footpath runs beyond the eastern boundary between the application site and 48 St Pauls Road.

History

None

Consultation Responses

Member of the public - 1

OBJECTS

Loss of a privet hedge (Carries minimal planning weight)
Loss of garden area (Carries minimal planning weight)
Overshadowing / Does not adhere to 45 degree rule
Out of keeping

Planning Considerations

- Overshadowing / Does not adhere to 45 degree rule.
- Out of keeping

Overshadowing / Does not adhere to 45 degree rule

The amended plans have seen the agent adopt a stepped approach to the development with a flat roof for bedroom 4 which allows sunlight to enter the upstairs window of without breaching the 45 degree calculation for "right to light" up to the middle of the adjacent window at 52 St Pauls Road. The footprint of the extension slightly exceeds the 45 degree calculation but it not considered to be at a level of detriment material enough to justify a recommendation for refusal.

Out of keeping

There is not uniform development style to the built environment in the area. The location of the property and extension is such that being to the rear of the building and being a sizeable distance from all but the adjacent property, there is not considered to be an overlooking impact, and render to be used will only be to the rear of the property, not visible from the site frontage.

Conclusion

In light of the above considerations the proposal is considered to be in accordance 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, 2019.

A delegated approval is considered to be appropriate.

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.