

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-1069-22 **Applicant:** Mr S Twell
Proposal: Proposed rear extension
Location: Tregaron 129 Edinburgh Drive Spalding
Terminal Date: 29th December 2022

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 - Achieving Well Designed Places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Proposal is for a rear single-storey extension to 129 Edinburgh Drive. The extension measures 4.13 metres (width) by 6.87 metres (depth) by 2.4 metres (height). The proposed extension is on the south-west of corner of the dwelling. The extension will be on the southern boundary of the property.

Site Description

The site is located on Edinburgh Drive, Spalding. The property is a brown brick detached bungalow. To the front is a small garden. On the south side is a single garage, to the north, a pathway to the back garden flanked by a beech hedge. The adjacent properties are bungalows of varying designs,

but with a consistent brown colour pattern.

The site of the extension is an area of stone patio slabbing and grass garden. The extension will involve the removal of a flower bed adjacent to the fence. The addition will mostly be obscured by the partition fence on the site, however, there is potential for overshadowing as an adjacent property's window overlooks the proposed development.

Relevant History

No relevant history.

Consultation Responses

Concerns raised by neighbour of overshadowing.

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. Likewise, Policy 2 of the South-East Lincolnshire Local Plan (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 rear extension will protrude from the rear elevation by 6.87m (depth), with an overall height of approximately 2.4m. Overall, having regard to the existing dimensions of the house, the proposed extension is acceptable in terms of scale, mass, and bulk.

The external materials will be of similar design to that of the original property. In addition, the design of the pitch is in keeping with that of the original property. The development's appearance will not undermine the aesthetic of 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 rear extension 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.

Residential Amenity

Paragraph 130 of NPPF seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The proposed windows to the rear elevation are not considered to overlook unacceptably upon neighbouring dwelling, given the single storey nature of the proposal. A boundary fence will ensure that the windows do not intrude upon the privacy of neighbouring residents.

The adjacent property has a small window overlooking the proposed extension. Due to the proximity of this window to the extension, there may be the potential for overshadowing. Given the single storey nature of the proposal and the small disparity between the height of the extension and the current boundary fence, it is not considered that the extension would create excessive overshadowing upon the neighbouring dwellings. However, it must still be noted there will be some level of overshadowing.

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

Planning balance

The proposed extension would have some impact with regards to overshadowing neighbouring properties. The window to the side of the neighbouring property would overlook the proposed works, and due to the proposed extension, light reaching this window would be reduced. In addition, there would be an impact on the neighbour's views, however, this impact would be somewhat minor. Given these effects, the proposal would, to some extent, be in conflict with policy 2 of the SELLP.

The proposal will not materially harm the character or appearance of the locality, with the building works being in keeping with the local sense of place.

The planning balance is therefore considered to be in favour of the proposal.

Conclusion

In light of the considerations above, the proposal is considered to be in accordance with Policies 1, 2 and 3 of the South-East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (2021).

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.