DECISION DELEGATED TO DEVELOPMENT MANAGER

| | | | |
|---|---|---|---|
| **Application No:** | **H16-1079-19** | **Applicant:** | **Mr & Mrs D Povey** |
| **Proposal:** | Alterations and extension | | |
| **Location:** | 11 Birch Grove Spalding Lincs | | |
| **Terminal Date:** | 1st January 2020 | | |

**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 |

CASE OFFICER ASSESSMENT

**Proposal**

This is an application for alterations and extension at 11 Birch Grove, Spalding. The proposal seeks to provide a two-storey extension to the front of the property with a detached single-storey garage beyond.

The proposed extension will contain a family snug, boot room and a hall at ground floor level, with a bedroom, landing and en-suite above. The is to be no south facing fenestration in this building. The extension will project 5 metres from the existing front wall, be 7 metres in width and have an apex level with the highest point of the roof.

The detached garage will be sited adjacent to the front boundary and will be 6.07 in length by 4.5 width, with the apex of the roof 4.3 metres in height. Proposed brick and tile of both proposal elements is to match that of the existing dwelling.

## Site Description

The proposal is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design.

## History

H16-0501-81

Residential development at Childers North Drove - Decided - 09 February 1982.

H16-0881-83

Full - Road and sewer layout for future residential development - Approved - 08 March 1984.

H16-1243-85

Outline - Plots 10 to 34 inc. (excluding plots 28, 29 and 30 ) Childers North Drove - Approved - 10 April 1986.

H16-1012-86

Reserved Matters - House with garage incl. vehicular access (Plot 11) - Approved - 08 December 1986.

H16-0011-12

Full - Proposed first floor extension and alterations - Approved - 08 February 2012

H16-0459-13

Full - Single-storey garage extension - Approved - 01 October 2013.

H16-0916-13

Full - First floor extension above garage including alterations - Approved - 25 November 2013.

## Consultation Responses

## Planning Considerations

- Principle of design

- Impact on amenity

Principle of development

The principle of development is acceptable in this location. The site is within defined settlement limits and is on a street which does not have a uniformity of design.

Impact on amenity

There is not considered to be any material harm to neighbouring residential amenity from overlooking or overshadowing. The two storey extension is adjacent to the north of double single-storey garage of 9 Birch Grove. Therefore there will not be a loss of light at any time of the day and no windows face the front driveway on either the ground of first floor side elevation wall. The new side elevation window serving the existing front elevation bedroom faces the blank side elevation walls of 9 Birch Grove.

The proposed garage, whilst sited toward the frontage of the site is not markedly different from other frontage development in the vicinity, such as the single-storey double garage projection at 17 Birch Grove. There is not considered to be a material impact on the streetscene or the visual amenity of neighbouring properties from the proposed siting.

The design, scale and layout is considered to be appropriate for the site and does not materially impact the character of the dwelling or the surrounding area.

## 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.

## 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.