

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-1109-19 **Applicant:** Mr & Mrs Hicks
Proposal: Proposed first floor extension
Location: 12 Farthingales Spalding
Terminal Date: 8th 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

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is an application for a proposed first floor extension at 12 Farthingales, Spalding. The proposal seeks to provide an extension above the existing roof slope of the frontage garage. The extension would contain a bedroom and an en-suite. The side elevation window that serves the en-suite facing 10 Farthingales would be obscure glazed. Materials of construction would be to match those of the existing dwelling and would be conditioned as such.

Site Description

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

History

H16-0106-86

Outline - Residential development - Approved - 22 January 1987

H16-0058-87

Reserved Matters - Residential development of 37 detached dwellings - Approved - 23 April 1987

H16-1417-88

Full - Erection of vacuum sewerage system housing & compound - Approved - 17 November 1988

H16-0425-13

Lawful Use Certificate - Proposed rear ground floor extension - Approved - 20 June 2013

Consultation Responses

Member of the public - 1 objection

- Overbearing
- Loss of light
- Impact on visual amenity

Planning Considerations

Overbearing / Loss of light

There is not considered to be any material harm to neighbouring residential amenity from overlooking or overshadowing. The separation distances are considered to be large from the proposed extension with no side elevation windows on the dwelling to the south and the property to the north significantly set back from where the extension is to be located.

Impact on visual amenity

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.