

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-1121-22 **Applicant:** Mr & Mrs M Cawley
Proposal: Proposed two storey rear extension
Location: 22 Johnson Avenue Spalding
Terminal Date: 13th February 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
28	The Natural Environment

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	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The proposal is for a two-storey rear extension measuring 3105mm (depth) by 4842mm (width) at 22 Johnson Avenue Spalding. The proposed extension will remove the conservatory currently located to the property's rear. The extension will be comprised of a kitchen on the ground floor and a bedroom on the first floor. Minor changes to the property's interior design will be made. A new window is proposed on the landing, facing south.

Site Description

The property is a semi-detached dwelling with a garage to the south. The first storey of the row of properties is red brick, while the second storey is clad with white painted stone.

The proposal is within the defined settlement limits of Spalding, as set out in the South-East Lincolnshire Local Plan (SELLP). The property is within a residential area, with the surrounding area characterised by two-storey, terraced dwellings of a similar age and design.

Relevant History

H16-1022-02 - Full. Erection of a garage. Approved 04/11/02.

Consultation Responses

Resident Comments

A neighbour has concerns regarding the potential impacts upon their use of the path adjacent to the extension.

Planning Considerations

Principle of Development

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise. The key material considerations are addressed below.

As the works will be within a defined settlement and would be sited within the residential curtilage of the existing dwelling, the principle of extending the house is acceptable.

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 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 extension is considered to be proportionate to the existing dwelling and its curtilage. The extension will occupy the same footprint as the existing conservatory, ensuring the protrusion of the proposal is acceptable. The height of the extension will be brought in line with the host dwelling, ensuring continuity of design with the dwelling.

The roof of the extension will be a continuation of the existing design, ensuring the development will appear well blended with the fabric of the house and visual amenity will not be undermined.

The proposed use of matching external materials would ensure the extension is in keeping with the existing dwelling. The extension would not be visible from the street, so will create no visual discrepancy when viewed from the principal elevation. As such, the proposed development is considered to comply with Policies 2 and 3 in the SELLP and Section 12 in the NPPF on design, layout, and impact upon the character of the local area.

Impacts Upon Resident Amenity

Paragraph 130 of National Planning Policy Framework (2021), amongst other matters, 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.

There is a significant distance between the rear elevation of the property and any neighbouring dwellings, limiting the potential for overlooking from the proposed second-floor window. As the current rear elevation already has windows looking over the rear, and the extension's depth is relatively small, there will be little change in terms of overlooking. The introduction of a southern facing window does potentially raise overlooking concerns; however, this view will primarily be of an

adjacent wall.

The concerns over overshadowing are minimal. The property's garage and driveway sits between the proposed extension and the neighbouring dwelling, meaning the loss of sunlight to the south will be on the driveway. The adjoining property is to the north-east. Therefore, the extension will block some light from entering the property, particularly in the evening. This should be examined carefully as the room potentially overshadowed is a bedroom. Assessments have therefore been made to evaluate the potential loss of light for the neighbouring property.

A neighbour has raised concerns that the extension may impede their use of the path that runs alongside the extension at the rear of the two properties. The extension will extend from the rear by the same level as the existing conservatory. Therefore, there will be no interference with the footpath once construction has been completed.

Taking the above into account, the proposed two storey side extension is deemed to comply with Policies 2 and 3 in the SELLP and Section 12 in the NPPF in terms of residential amenity.

Planning Balance

The proposed two storey rear extension will not materially harm the character or appearance of the locality. There is the potential for some overshadowing on the adjoining property. However, this has been judged to not be significant enough to merit a refusal.

Concerns have been raised over interference with the footpath at the rear of the extension. The extension will not protrude far enough to prevent the use of the path, occupying the same footprint as the existing conservatory. During construction, there is the possibility that the path will be obstructed, however, this is not a long-term concern. Therefore, no long-term access issues will arise.

It is therefore considered to be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Conclusion

The recommendation is therefore for a delegated 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.