

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-1195-22 **Applicant:** Mr & Mrs R Coddington
Proposal: Single storey side and rear extension
Location: 1 Fantail Close Spalding
Terminal Date: 9th February 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

CASE OFFICER ASSESSMENT

Proposal

The proposal is for the demolition of the current rear conservatory, and the construction of a new rear and side extension. The two components will form one unit.

The side extension will have a mono-pitched roof, made of similar materials to that of the original. To the eaves, the roof will measure approximately 2,300mm. At its peak, the roof height will approximately measure 3000mm. The side extension will measure 1912.5mm (width) by 7865mm (depth).

The rear extension will have a dual pitched roof, made of similar materials to the original. As the side and rear extensions are one unit, the height to eaves is consistent. The roof height will measure approximately 3400mm at its peak. The rear extension will measure 6515mm (width) by 2475mm (depth). This depth is in line with the existing rear conservatory (to be demolished).

Both extensions will be constructed of materials in keeping with the original. A new window will be

created on the ground-floor of the principal elevation, overlooking the road.

Site Description

The site is located towards the south of the Spalding settlement boundary defined in the South-East Lincolnshire Local Plan (SELLP). The property is part of a larger development constructed in the 1980s. The property is a brown bricked, semi-detached dwelling. Adjacent developments are of a similar style and material. White UPVC window frames and doors are present. There is significant foliage on the northern boundary of the property. The neighbouring property to the north appears to be an architectural outlier in the area, being older and of a more rustic design than the surrounding properties.

The side extension will be located on the northern elevation of the dwelling. The rear extension will be located to the east, overlooking the garden. There is a gap of between 251mm and 422mm (increasing as the extension moves eastwards) between the edge of the curtilage and the side extension. Despite the small distance between the extension and the boundary, there will be no loss of foliage. There will be a 277mm distance between the southern elevation of the rear extension and the neighbouring curtilage to the west. The rear extension will be 16138mm from the rear boundary of the curtilage.

The site is bordered by houses to the north, south and east. To the west is agricultural land. There is a fairly low density of housing in this area.

Relevant History

H16-0243-85 - Outline. Erection of 23 houses with garages. Approved 4/6/85.

H16-0040-88 - Full. Erection of 21 dwellings. Approved 2/3/88.

Consultation Responses

No consultation responses received.

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. 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 external brickwork and roof tiles will match the existing property. The window frames will also match the existing property. Therefore, the building works will blend with the original dwelling and no visual contrast will be created.

The size of the extension (as stated above) is proportional to the original dwelling. The side extension does not protrude from the dwelling enough to damage the visual coherence of the property, instead appearing a natural addition. The rear extension will project the same distance as the existing conservatory, minimising the potential visual impact. Therefore, the proposal is deemed acceptable in terms of size and bulk.

Taking the above into account, the proposed developments to the dwelling are 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.

Impacts Upon Resident Amenity

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

The additional windows to the rear and front of the property will create no additional overlooking. The window on the principal elevation overlooks a highway, therefore, not damaging residential amenity; while the rear windows have a sufficient distance to the neighbour as to not cause overlooking.

The foliage on the north of the property will screen the development from the northern neighbours; therefore, preventing overshadowing arising to the north as a result of this development. There is the potential for some overshadowing on the southern property; however, this is considered as minor. The difference in height between the boundary fence and the extension is not great enough to dramatically increase the level of overshadowing.

Taking the above into account, the proposed single storey side storey 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

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 proposed single storey side extension will not materially harm the character or appearance of the locality or amenity of nearby residents. It is therefore considered to be in accordance with Policies 2 and 3 of SELLP.

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.