DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-1332-21**	**Applicant:**	**Mr & Mrs J Savage**
Proposal:	Proposed single storey rear extension & internal alterations to existing dwelling		
Location:	Penny Cottage 62 Pennygate Spalding		
Terminal Date:	18th February 2022		

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

This is a householder application seeking permission to demolish the existing flat roof element and erect a single storey rear extension to create a w/c, utility and a kitchen/garden room. The extension would measure 11.1 metres (depth) x 4.9 metres (width) and stand at 4.6 metres in height (2.3 metres to the eaves). The external materials would match the existing dwelling.

SITE DESCRIPTION

The application site comprises a detached bungalow located on Pennygate, within the Spalding settlement boundary. The property is red brick built with white window frames. A number of outbuildings are located in the rear garden. The rear garden is enclosed by a high level boundary fence. To the front of the site is a driveway providing parking for 2-3 vehicles. The immediate area comprises a mixture of detached and semi-detached single and two storey dwellings.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

No representations 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 and landscape setting; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations. 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.

It is accepted that the footprint and rear projection of the proposed extension is quite considerable, however, on balance this can be accepted as it would have a similar rear projection to the adjacent neighbours on either side therefore the proposed development would not be out of character with the immediate area. In addition, sufficient outdoor amenity space would be retained therefore the proposal do not result in overdevelopment of the site, albeit it may be at the limit of what can be accepted on the site. Furthermore there would not be any prominent views of the proposed development from the public realm given the roof ridge of the extension would not be higher than the existing roof ridge therefore it would be blocked by the existing bungalow. Furthermore the use of matching external materials would ensure the extension is in keeping with the existing bungalow.

As such on balance, the proposed development is considered to comply with the aforementioned policies on design, layout and impact upon the character of the local area.

Impacts upon Residential 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 South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The closest neighbour to the proposed development is no.54 Pennygate located to the east of the application site. The proposed extension would sit close to the shared boundary with this neighbour, approximately 1.4 metres from the shared boundary with this neighbour and 4 metres from its side elevation. It would only extend approximately 2.3 metres beyond the rear elevation of this neighbour. Given this relatively minor rear projection beyond this neighbours rear elevation, the separation distance and the single storey nature of the extension, any impact on the amenity of this neighbour would be minimal and within acceptable tolerances. The eaves would sit only approximately 0.3 metres higher than the boundary fence. In addition, the pitch of the roof would face away from this neighbour, thereby further reducing the impact.

With regards to the neighbour at no.64 Spalding Road located to the west of the application site the proposed house extension would be located approximately 4.8 metres from the shared boundary with the application site. The extension would project approximately 3 metres beyond this neighbours rear elevation. Given the single storey nature of the proposal and the relationship with this neighbour this separation distance is considered to be sufficient as to not result in any overbearing impact or unacceptable overshadowing.

As such the proposal would on balance accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Planning Balance

The proposal will not materially harm the character or appearance of the locality or amenity of

nearby residents. 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 2 and 3 of 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.

RECOMMENDATION

The application can be approved under delegated powers.