DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H17-1306-21**	**Applicant:**	**Mr & Mrs J Masters**
Proposal:	Garage conversion including extension & alterations		
Location:	51 Seas End Road Surfleet Spalding		
Terminal Date:	10th February 2022		

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for the following:

·Conversion of garage into a games room and a shower room
·First floor extension to create 2no bedrooms, 1 en-suite shower room
·First floor rear balcony

The external materials would match the existing dwelling.

SITE DESCRIPTION

The property is a detached bungalow located on Seas End Road in Surfleet. The property is brick built and has white door/window frames. The site benefits from a large gravelled driveway to the front and a single attached flat roofed garage to the side. The front boundary is partially enclosed by a low level wall and a hedge. The rear garden is enclosed by a boundary fence. There is a small decking area to the rear and the remainder of the rear garden is lawn. The site backs onto the River Glen. The immediate area comprises dwellings varying in size and design.

RELEVANT PLANNING HISTORY

H17-0492-04 - Pitched roof over existing garage, brick store to rear of garage - Approved

REPRESENTATIONS

Surfleet Parish Council

Commented in support of the application.

Resident

The adjacent neighbour at no.49 Seas End Road has objected to the scheme siting the following concerns:

·Distance of extension from the boundary
·The extension will result in overshadowing
·The balcony will result in overlooking
·The two storey front extension will result in a terracing effect
·The close proximity of the extension to the boundary will result in future maintenance issues
·Concerns whether the existing foundations can support a first floor extension and if new foundations/footings are proposed then these may extend onto our property
·Concerns of encroachment during construction

PLANNING CONSIDERATIONS

Principle of development

The site is within the Surfleet settlement boundary and the proposed extensions would be sited within the residential curtilage of the existing dwelling therefore the principle of extending the existing dwellinghouse is acceptable.

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.

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.

The adjacent neighbour at no.49 Seas End Road has objected to the scheme siting concerns that

the extension would result in a terracing effect. The concerns are noted, however, the proposed extension is not considered to result in a terracing effect given this neighbours garage sits much lower than the proposed extension along the shared boundary with no.49. The proposed pitched roof with a gable end facing the street is considered to be an improvement to the existing flat roof element. Overall the proposed extension is considered proportionate in size and would not dominate the existing bungalow. Furthermore the use of matching external materials would further ensure the extension is in keeping with the existing bungalow.

The proposed garage conversion involves minor external alterations including replacing the garage door with 2 windows. These changes are considered minor and do not significantly change the overall appearance o the site.

The proposed balcony would be located to the rear of the site therefore therefore would not be any views from the main public realm. There may be views from the rear of the site, however, given it would be sited some 28 metres from the rear boundary, it would not appear overly prominent.

As such the extensions would comply with the aforementioned policies on design, layout and impact upon the character of the local area.

Impacts upon Residential Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The adjacent neighbour at no.49 Seas End Road has objected to the scheme siting concerns of close proximity of the extension to the boundary, overshadowing and overlooking from the proposed balcony. The concerns are noted, however, the proposed scheme is not considered to result in any unacceptable impact on the amenity of this neighbour. The proposed extension would not result in any unacceptable overshowing or overbearing impact as this neighbour does not have any primary windows in its side elevation facing the applicant site. There would not be any overlooking or loss of privacy from the proposed extension as no windows are proposed in the side elevation facing this nieghbours. With regards to the balcony, a condition has been appended for a 1.8 metre high privacy screen to be installed on the south-west elevation facing this neighbour in order to avoid any direct overlooking and loss of privacy.

With regards to the neighbour to the east at no.53 Seas End Road the proposed extension would be sited some 19 metres from the shared boundary with this neighbour. This distance is considered sufficient as to not result in nay overbearing impact or unacceptable overshadowing. with regards to the proposed balcony, there would not be any views of this neighbour above the roof ridge of the applicants existing rear projecting element. As such it is not considered that any unacceptable overlooking or loss of privacy would result.

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

Parking

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision. The proposed scheme would create 2no additional bedrooms within the property. It is not clear how many bedrooms the existing bungalow has, however, a maximum of 3no off-street parking spaces would be required. The driveway to the front has space for at least 3no spaces therefore the scheme is considered to comply with the current parking standards.

Other matters

The adjacent neighbour at no.49 Seas End Road has objected to the scheme siting the following concerns of future maintenance issues due to close proximity of the extension, whether any new foundation will extend to their property and potential boundary encroachment during construction. The concerns are noted, however, these are civil matter and the application could not reasonably be resisted based on these concerns.

Planning Balance

The proposal will not materially harm the character or appearance of the locality, the amenity of nearby residents or result in parking or biodiversity issues. 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 1, 2, 3, 28 and 36 of the South East Lincolnshire Local Plan (2019) and Sections 12 and 15 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.