DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H18-0120-21**	**Applicant:**	**V Kolaitiene**
Proposal:	Single storey rear extension.		
Location:	11 Kinderley Close Sutton Bridge Spalding		
Terminal Date:	8th April 2021		

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. Achieving well-designed places.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
RESIDENTS	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is a householder planning application that seeks permission for proposed single storey rear extension to the property at 11 Kinderley Close, Sutton Bridge, Spalding.

Site Description

The site is part of a major residential scheme approved and built in the 1990s. It forms part of the built-up area of Sutton Bridge. From the main cul-de-sac street Sir Peter Scott Road/Kenzie Drive,

Kinderley Close serve access to a range of terraced dwellinghouses within relatively small plots.

The application site is an end-of-terrace plot. A block of garages is to the east, the rear garden to the north and further terraced properties to the west. A large drive/parking area extends to the front. A pathway for pedestrians runs to the front of the terraced houses.

History

None.

Consultation Responses

Members of the public

One resident has made a representation raising the following issues:

-Proximity of the extension to the fence
-Lack of details about surface water management
-Requests for timescales on construction works
-Concerns about similar house extensions in the row of terraced properties.
-Raising awareness of the surface water sewer that runs around 3-4 metres under the rear garden.

Planning Considerations

Principle of development

Having regard to the nature and dimensions of the development, it is concluded that the proposal would fully comply with permitted development rights under Class A, Part 1, Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

The site is within the settlement boundaries for Sutton Bridge as set out in the South East Lincolnshire Local Plan (SELLP), 2019. The principle of developing extension and alterations that are incidental to the enjoyment of a dwelling is acceptable.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 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. Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

The proposed extension would protrude 3 metres from the original rear wall of the dwellinghouse. It would fill the full width of the building. The apex height would be 3.50 metres above ground level. The resulting scale and height would be visibly subservient to the host property.

Internally, the extension would allow to gain further floorspace to enlarge the lounge room of the residential property. The intended use is clearly in keeping with the residential use of the site and its area. The increase would allow to enhance the living conditions of the householders.

The footprint would be marginally set back from the adjacent boundary line with No. 10 to the west. At case officer's request, further clarification has been provided and no part of the new development would be above the boundary fence nor encroaching onto the neighbouring land.

Rainwater goods have been also incorporated to the house extension. After revisiting the drawings, there are now sufficient arrangements in place to prevent any disturbance to the adjoining property in terms of surface water management.

The external materials would match those existing in the property. Thus, the development would be visually integrated with the external fabric of the host property and, by extension, the remainder of terraced houses.

Residential amenity

Paragraph 127 of National Planning Policy Framework (2019) 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.

Although the bulk of the house extension would appear in close proximity to the adjoining boundary, it is not anticipated any harm upon the residential amenity of house occupiers at No. 10.

The existing boundary fence would be retained. It is nearly 2 metre high. The highest height of the extension is 3.50 metres but it would progressively drop to 2.70 metres. The resulting bulk of the development is not excessive and cannot lead to any overbearing impact upon adjacent residents.

Planning Balance

The principle of an extension and alterations that are incidental to the enjoyment of a dwelling is acceptable. The aim of the proposals is to enhance the living conditions of the householders. The intended use would remain residential.

The scale and height of the development is clearly subservient to the host property. The proposed materials would blend the development with the current fabric of the building. The single nature of the rear extension would not harm the amenity standards of the occupiers at No. 1.

On balance, no adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

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.

Taking into account the above, this application accords with Policies 1, 2 and 3 of South East Lincolnshire Local Plan (2019) as well as Section 12 of National Planning Policy Framework (2019).

Accordingly, it is recommended to approve this application via delegated powers.

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.