DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H20-0904-23**	**Applicant:**	**Mr M Charity**
Proposal:	Proposed Extension		
Location:	38 Jarvis Gate Sutton St James Spalding		
Terminal Date:	8th December 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 2023

Section 12 - Achieving well designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed extension at 38 Jarvis Gate, Sutton St James.

Site Description

The site lies within the defined settlement boundaries of Sutton St James as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). The property is two storeys and is made from bricks with a tiled roof and white uPVC windows with a green front door. Dwellings in the immediate area all feature different designs and materials with a variety of single storey and two storey dwellings. It is set back around 17m from the highway with a large front garden and drive along the side.

History

H20-1007-90 - Access private drive and turning bay serving existing house - Approved

H20-1209-07 - Two storey extension to rear of dwelling - Approved

H20-0180-08 - Details of roof slates (Condition 3 of H20-1209-07) - Approved

Consultation Responses

Lincolnshire County Council Historic Places Team

There is unlikely to be any archaeological impact. No archaeological input is required.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, there has been one letter of representation, the main points of this objection are as follows -

1. There is no height measurement on the plans of the proposed extension to enable us to make a judgement on the impact it will have on us.

2. We object to the proposed extension being 900mm wider than the existing building.

3. Another discussing the plans with our immediate neighbour Mr M Charity, 38 Jarvis Gate, Sutton St James, Spalding, PE120EP, the Applicant. We have strong concerns about the location of the boiler. On the proposed plan the boiler is located in the Kitchen, Mr Charity informed us the boiler is now to be located externally, in both locations the flue would be directly opposite bedrooms on our bungalow with the possible ingress of carbon monoxide fumes through bedroom fanlight windows.

4. If the subject plans are fluid and are being changed by the applicant then new plans with all the correct relevant information should submitted for consultation before this consultation process can proceed.

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Planning Considerations

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (2023) specifically relates to 'Achieving well-designed places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 130 of the National Planning Policy Framework (NPPF), 2023 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, that they are visually attractive, as a result of good architecture, and are sympathetic to local character. 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. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

The materials being used on the development are as follows, the walls shall be made from facing brickwork to match the existing dwelling and those of the earlier extension. The roof shall be grey fibreglass covering with both the windows and doors being made from cream uPVC. Finally, the roof light shall be dark grey. It can be seen that the roof colour will match closely to the tiles on the main dwelling despite being a different material and therefore this would not look out of place. The use of cream uPVC for the windows and doors will contrast with the existing white on the dwelling however as the neighbours windows and doors are brown then it should not harm the street scene. This contrast could be limited as the brick on top of the windows and doors on the front elevation is cream and therefore this would also benefit this. The dark grey roof light should also blend in well with the roof of the extension. This can therefore be considered to be acceptable.

The extension will protrude from the side by around 6270mm, coming from the rear most point by 2200mm and projecting from the shorter part at the rear by 6900mm. The flat roof section comes to half the height of the existing house with the roof light being a around a metre higher than this. These measurements could be seen as substantial and make an adequately sized new area within the dwelling, it can also be seen that as the dwelling itself is large in size this extension would be proportionate and as a result not look out of character or out of place. Additionally, as the extension will be located at the rear it should not be seen from the highway and as such not affect or harm the street scene.

Internally, walls in the kitchen shall be demolished to make openings for a new access into the rear section of the dwelling, additionally a new opening will be created from the dining room into the extension to allow the room to flow throughout. The existing boiler will be slightly relocated and remain in the kitchen, the existing kitchen side patio door shall also be removed and replaced with a window with new bricks to be placed below to make this a solid area. Many of these alterations, particularly those internal do not require planning permission but have been included within the report and as such have been addressed. These alterations would not result in an unacceptable impact upon the character or appearance of the area.

Taking the above into account, the proposal is considered to be acceptable. The proposal would not cause an unacceptable adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Impact on Residential Amenity/Land Users

Paragraph 130 of the National Planning Policy Framework (2023) states that development should 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

In regard to overlooking, there shall be a new ground floor kitchen window through the removal of the door as mentioned previously, as such, a new outside door will feature within the extension and act as a replacement in this instance with a large bi-fold door within the new day room to allow for access into the rear garden. There is adequate separation distance at the rear to ensure that the doors will not provide any view into a neighbours garden, similarly, as the windows on the side elevation are on the ground floor they will provide no material or unacceptable view into the neighbouring property and as such a minimal loss of privacy could occur.

Despite the small distance to the boundary of the neighbouring property the positioning of the dwelling would mean that throughout the day there will be no material and harmful shadow that would be cast onto the neighbouring property. It is of the LPAs understanding that there are

habitable rooms along this elevation with windows to each room, however, there would only be a minimal impact upon these rooms and therefore they will lose minimal light following the development taking place. We also take the view that there are multiple windows to the main room at the rear so light would be cast into this room from the rear as well as the side. As such, this proposal is considered to be acceptable.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality or the amenity of nearby resident and is seen as acceptable. Overall, the development conforms with the South East Lincolnshire Local Plan for the most part and the provisions of the National Planning policy Framework when viewed as a whole.

Conclusion

Taking the above considerations into account, the proposal is, for the most part, considered to be in accordance with Policies 2 & 3 of the SELLP, along with the identified sections contained within the NPPF. The are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above

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

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.