DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H22-0163-21**	**Applicant:**	**Mr & Mrs Shortland**
Proposal:	First floor extension		
Location:	45 Delgate Bank Weston Hills Spalding		
Terminal Date:	13th April 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 12- Achieving well designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed first floor extension to the property at 45 Delgate Bank, Weston Hills.

Site Description

The site is situated at the east of Weston Hills and accommodates a semi-detached property. The property is set back from the road and within a long plot. To the east beyond the road are open fields and to the west is the built-up area of Weston Hills. The neighbouring dwellings are of a similar age and design.

The property has a small grassed front garden. Parking spaces are situated in bay type parking adjacent the road to the front of the properties. There is a side access to the rear garden to the south of the property. The garden is long and narrow, and is typical of most properties on this road.

History

No relevant planning history.

Consultation Responses

Internal Drainage Board - Any works within 9 metres of the adopted watercourse will require consent to relax Byelaw 10. If alterations are required to the watercourse, consent would be required under the Land Drainage Act 1991.

Planning Considerations

Layout, Design, Size and Scale

Paragraph 127 of the 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; 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 proposed first floor extension will protrude from the original rear elevation by approx. 3.1m with a width of 5.7m, which is the same footprint as the existing ground floor element. The ridge height would be lower than the existing dwelling. Having regard to the existing dimensions of the house and plot it sits within, the proposed first floor extension is acceptable in terms of scale, mass and bulk.

Facing brickwork on walls, roof tiles and UPVC in fenestration and rainwater goods will match those existing in the property. Thus, the development will appear well blended with the fabric of the house and visual amenity will not be undermined.

A rear facing gable roof will be formed to cover the extension which will compliment the original gable roof structure. It will project to the side by approx. 1.8m and will therefore be visible from the front, however it is not considered that this would materially adversely impact the appearance of the dwelling given that it would be set well back from the road.

The fencing to the front of the property that is within 9m of the drainage watercourse is already in existence and is not to be altered under this application.

The purpose of the development is to gain an additional bedroom with an en-suite bathroom, which is in keeping with the residential use of the property.

Taking the above into account, the proposed rear first floor extension is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2019 in terms of layout, design, size and scale.

Impact upon Residential Amenity

A single bedroom window will be situated on the rear elevation facing into the rear garden and an obscured glazed window will be positioned to the side elevation for the bathroom. These windows will therefore not overlook unacceptably upon any neighbouring residential plot.

The proposed first floor extension will protrude from the original rear elevation by approx. 3.1m and will be set back from the boundary with the attached property (north-east) by approx. 1.8m, and by approx. 1.2m from the boundary with the property to the south-west. Taking into account the orientation of the properties, the path of the sun and depth of the proposed extension, it is not considered that it would have a material adverse impact on daylight or sunlight levels experienced by neighbouring properties. Any direct sunlight would only be experienced for a limited time in the evenings and submitted daylight assessment drawings show that neighbouring windows would not be materially impacted for a large part of the year. Furthermore, there have been no neighbour objections to the proposal. On balance, the proposal is considered acceptable in this regard.

As the extension would be set back from the boundary and would only project 3.1m from the existing rear elevation, it is not considered it would have a material overbearing impact.

Taking the above into account, the proposed extension is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2019 in terms of residential amenity.

Parking Provision

In connection with Policy 36 of the SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision. 3 no. car spaces must be provided within the curtilage for dwellings with more than 3 bedrooms. To the front of the dwelling, there are 3 parking 'bays' which is clearly sufficient to accommodate parking for this dwelling.

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 first floor 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 the South East Lincolnshire Local Plan, 2019.

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.

Conclusion

The recommendation is for a delegated approval.