DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H22-0300-23**	**Applicant:**	**Mr M Ezepue**
Proposal:	Proposed two storey side and single storey rear extensions with front and side brick boundary wall and railings		
Location:	45 Old Fendyke Road Weston Hills Spalding		
Terminal Date:	30th June 2023		

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	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for demolition of the garage to the side and erection of a two storey side and single storey rear extensions as well as new boundary walls on the south and part south-east elevation.

The side extension would measure 5.1 metres (width) x 10.8 metres (depth). The rear extension would measure 4.7 metres (depth) x 8.3 metres (width) and stand at 2.9 metres in height (3.6 metres including the roof lantern). The external materials would match the existing dwelling.

The proposed boundary wall/railings/pillars would have a maximum height of 2.1 metres.

It should be noted that the plans were amended and the first floor element to the rear omitted.

SITE DESCRIPTION

The application site is located on Old Fendyke Road in Weston Hills. It comprises a two storey detached dwelling located on a residential street, towards the end of the village boundary. The site backs onto open countryside. The property benefits from a single attached garage to the side and a large gravelled driveway to the front providing off-street parking provision for several vehicles. The front site boundary is partially enclosed by a fence/hedge. The rear garden is enclosed by a high boundary fence.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

Local Highway and Lead Local Flood Authority

No objections as the proposed frontage wall would simply replace the existing front boundary fence, with the access arrangements for the property remaining unchanged.

PLANNING CONSIDERATIONS

Principle of development

The site is within the Weston Hills 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 proposed two storey side extension is considered sympathetic in design and proportionate to the existing dwelling. The roof ridge would sit lower than the existing roof, thereby providing an element of subservience. The use of matching external materials would ensure the extension is in keeping with the existing dwelling.

The proposed rear extension would have a fairly modest rear projection (only 0.7 metres above permitted development) therefore it could not reasonably be resisted. It is considered proportionate to the existing dwelling and the plot and would leave sufficient outdoor amenity space at the rear.

The proposed boundary wall/railings/pillars/gate are also considered acceptable as they would have a similar in appearance to the neighbour to the west. Furthermore the immediate street comprises various forms of boundary treatments therefore the proposed scheme would not be at odds with the existing street scene.

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

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.43 Old Fendyke Road located to the east of the application site. The initial scheme submitted include a two storey rear extension would obstructed this neighbours 45 degree view. As such the plans have been amended and now omit the first floor element to the rear. The amended scheme is considered acceptable as it would not result in any overbearing impact on this neighbour. The two storey side extension would bring the application dwelling 5.1 metres closer to this neighbour, however, given the proposed extension would not extend beyond the front/rear elevations of this neighbour no overbearing impact would result. Furthermore this neighbour does not have any window in its side elevation facing the application site therefore the proposed scheme would not result in any unacceptable overshadowing. In respect of the single storey rear extension this would not result in any overbearing impact or unacceptable overshadowing given the modest height and rear projection.

With regards to the neighbour to the west at no.47 Old Fendyke Road the proposed two side extension would not be visible to this neighbour as it would be blocked by the applicants existing two storey house. As such no unacceptable impact would result from this. The proposed single storey rear extension would be sited approximately 8.5 metres from the shared boundary with this neighbour. Given the single storey nature of the extension this separation distance is considered sufficient as to not result in any overbearing impact or unacceptable overshadowing.

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 one new bedroom on the ground floor, however the parking requirement for the site would remain the same. A maximum of 3no off-street parking spaces are required for the site which can comfortably be accommodated in the driveway to the front. As such the scheme is considered to comply with the current parking standards.

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.