

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H22-0731-21 **Applicant:** Mr & Mrs Wright
Proposal: Proposed Rear Single Storey Extension
Location: 115 Small Drove Weston Spalding
Terminal Date: 9th September 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development

National Guidance

National Planning Policy Framework 2021

Section 12. Achieving well-designed places.

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for a single storey rear extension to create a family room. The extension would measure 4.7 metres (width) x 5.7 metres (depth) and stand at 3.5 metres in height (2.3 metres to the eaves). The external material would match the existing dwelling.

SITE DESCRIPTION

The property is a large detached two storey dwelling on located on Small Drove in Weston. The site is enclosed by a high level hedge along the front and side boundaries. The rear garden is enclosed by high level fencing and trees. The site benefits from a large gravelled driveway to the front providing off-street parking provision for several vehicles.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

No comments received.

PLANNING CONSIDERATIONS

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 extension is considered proportionate to the existing dwelling. The extension would be located behind the existing dwelling therefore there would no views from the public realm. Given its modest height and footprint the proposed extension is not considered to appear overly prominent in relation to the existing dwelling. Furthermore the use of matching external materials would ensure the extension is in keeping with the character of the existing dwelling. In addition, the extension meets the prior approval requirements for rear extensions and given no neighbour objections have been received the scheme could not reasonably be resisted

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

Impacts upon Residential Amenity

The neighbour closest to the proposed development is no.117 Small Drove located to the north-west of the application site. The proposed extension would be located approximately 1.8 metres from the shared boundary with this neighbour and approximately 7.9 metres from its nearest elevation. Given the single storey nature of the extension and low eaves height this separation distance is considered sufficient as to not result in any overbearing impact or unacceptable overshadowing. In addition the pitch of the roof would face away from this neighbour, thereby further reducing any impact.

With regards to the neighbour to the north-east at no.113 Small Drove the proposed extension would be located some 9.2 metres. Given this separation distance it is not considered that any unacceptable impact would result on the amenity of this neighbour in terms of overshadowing or overbearing impact.

The proposed extension would be located approximately 6.2 metres from the rear boundary and would be blocked by the high level trees along the rear boundary. As such no unacceptable impact would result on the neighbours to the rear.

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).

Planning Balance

The proposal will not materially harm the character or appearance of the locality or amenity of nearby residents. 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 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 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.