

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H22-0771-22 **Applicant:** Mr & Mrs A Baker

Proposal: Proposed single storey rear extension including internal alterations to existing dwelling.

Location: 41 Austendyke Road Weston Hills Spalding

Terminal Date: 30th September 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
04 Approach to Flood Risk

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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for a single storey rear extension to create a kitchen/living area. It would measure 5 metres (depth) x 6.4 metres (width) and stand at 4.7 metres in height (2.4 metres to the eaves). The external walls would be cream rendered and all other external materials would match the existing bungalow.

SITE DESCRIPTION

The site is located on Austendyke Road in Weston Hills. It comprises a detached red brick built bungalow. To the front is a gravelled driveway providing off-street parking provision for several vehicles. Several small outbuildings are located to the side/rear. The site backs onto open countryside.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

South Holland Internal Drainage Board

As per the Board's Byelaw 10, no works are permitted within 9 metres of the brink of this watercourse without prior written consent from the Board. Please note that consent would be required from the Board for any alterations or discharges to a watercourse.

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 extension would be located to the rear site therefore there would be limited views from the main public realm. The extension is considered proportionate to the existing bungalow and given its height does not exceed the roof ridge of the existing bungalow it would not appear overly prominent. The extension does not result in overdevelopment of the site and sufficient amounts of outdoor amenity space is retained. As such no unacceptable impact is considered to result on the street scene.

As such the extension complies 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 Austendyke Road located to the east of the application site. The extension would sit approximately 4.7 metres from the shared boundary with this neighbour. Given the single storey nature of the extension and its limited eaves height with the roof ridge facing away from this neighbour, this separation distance is considered sufficient as to not result in any overbearing impact or unacceptable overshadowing.

With regards to the neighbour to the west at no.573 Broadgate the proposed extension would be located at least 12 metres from this neighbours boundary. This separation distance is considered sufficient and no unacceptable overshadowing or overbearing impact would result on the amenity of this neighbour.

As such the proposal accords with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Other matters

Policy 4 of the SELLP relates to flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); it incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

South Holland Internal Drainage Board has advised that whilst the site falls below our threshold for commenting, the applicant should be made aware of the Board Maintained watercourse adjacent to the site boundary. This designation is an acknowledgement by the Board that the watercourse is of arterial importance to the Internal Drainage District and as such will normally receive maintenance from the IDB using the Board's Permissive Powers. Although the Board opts to proactively maintain this arterial network, there is no change in the ownership or liability associated with the watercourse resulting from this designation. As per the Board's Byelaw 10, no works are permitted within 9 metres of the brink of this watercourse without prior written consent from the Board. Consent would be required from the Board for any alterations or discharges to a watercourse. The proposal appears to be more than 9 metres from the watercourse to the rear therefore it is not considered that it is in breach of the Boards Bylaws. An informative has been appended to this effect advising the applicant of the drainage boards bylaws.

Given the above the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and Section 14 of the National Planning Policy Framework (2021).

Planning Balance

The proposal will not materially harm the character or appearance of the locality or result in neighbouring amenity 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 2, 3 and 4 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.