DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H22-1098-22**	**Applicant:**	**Mr D Osborn**
Proposal:	Proposed rear extension and alterations		
Location:	45 Austendyke Road Weston Hills Spalding		
Terminal Date:	31st January 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 12. Achieving well-designed places
Section 14. Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
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 to demolish the existing rear projecting element to the rear and erect a single storey extension to the rear to create an open plan kitchen/lounge. The extension would measure 10.3 metres (depth) x between 6.6 and 8.4 metres (width) and would have a flat roof standing at 2.7 metres in height. The proposal also involves internal alterations to include changing the dining room into a bathroom and utility and the existing lounge into bedroom 3. 2no new window openings are proposed in the eastern elevation.

The extension would have a flat roof and all other external materials would match the existing bungalow.

It should be noted that the plans have been amended to omit the detached garage previously proposed to the front of the site.

SITE DESCRIPTION

The application site is located on Austendyke Road in Weston Hills. It comprises a detached bungalow. The bungalow has a white render finish with dark grey roof tiles. The site backs onto open countryside. There is a watercourse to the rear of the site. The front of the site is gravelled providing off-street parking provision for several vehicles. The immediate area is primarily residential comprising a mixture of bungalows and two storey dwellings of varying designs and sizes.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

Weston Parish Council

The Parish Council is concerned that the proposed garage is too far forward of the building line in relation to other neighbouring properties and that the proposed garage will impair visibility for vehicles turning right from Broadgate Weston Hills on to the Austendyke Road.

South Holland Internal Drainage Board

No objections subject to compliance with the Boards Bylaws.

PLANNING CONSIDERATIONS

Principle of development

The site is within the Weston Hills settlement boundary and the proposed extension 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.

It should be noted that the plans have been amended as the detached garage proposed to the front of the bungalow was considered to be out of character with the existing street scene as dwellings in the immediate vicinity have fairly open frontages with no forward projecting outbuildings. The

revised plans are considered acceptable as they now omit the detached garage previously proposed to the front of the site.

It is accepted that the proposed extension would have a large footprint/rear projection, however, the site can comfortably accommodate this without resulting in overdevelopment of the site. In addition, the overall footprint of the dwelling would be similar to neighbouring dwellings therefore it can on balance be accepted. The extension would be sited to the rear of the existing bungalow so it would not have any prominent views from the main public realm therefore no unacceptable impact would result on the street scene. The eaves would sit at the same height as the existing bungalow therefore it would not dominate the existing bungalow. Furthermore the use of matching elevational materials would ensure the extension is in keeping the with existing bungalow.

As such the extension would on balance 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.47 Austendyke Road located to the east of the application site. The proposed extension would be sited close to the shared boundary with this neighbour. However, there would be limited views of the proposed extension given the fact this neighbour has numerous existing outbuildings located along the shared boundary with the application site and the proposed extension would not extend beyond. As such limited impact would result on the amenity of this neighbour in terms of overshadowing and overbearing impact. Two new window openings are proposed in the side elevation of the existing part of the bungalow facing this neighbour however there would not be any unacceptable overlooking or loss of privacy given the high level boundary fence. As such anu potential impact on this neighbour is within acceptable tolerances.

With regards to the neighbour to the west at no.43 Austendyke Road the proposed development would be sited at least 4 metres from the shared boundary with this neighbour at its closest. Given the single storey nature of the extension with a modest height 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).

Drainage

The applicant has not identified a drainage strategy for the site within their application. It is recommended a drainage strategy is provided for the site. If the applicant proposes to discharge surface or foul water to a watercourse, consent would be required under Byelaw 3. There is a Board Maintained watercourse (DRN197P0102- F01 Austendyke Drain) adjacent to the southern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). The applicant should confirm if there are any riparian owned/maintained watercourses within or adjacent to the site boundary. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). Whilst not currently proposed, should the applicant's proposals change to include works within 9 metres of the aforementioned Board Maintained watercourse, or if works within 9 metres of the watercourse are proposed at any time in the future, consent would be required under Byelaw 10. An informative has been attached to the decision advising the applicant of this.

Planning Balance

The proposal will not materially harm the character or appearance of the locality, the amenity of nearby residents or result in parking 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, 4, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019) and Sections 12 and 14 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.