DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0605-22**	**Applicant:**	**Mr & Mrs D Moore**
Proposal:	Extension & Alterations - re-submission of H23-0038-22		
Location:	Charmar Cranesgate South Whaplode St Catherine		
Terminal Date:	12th August 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
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 an application seeking planning permission to demolish the existing conservatory to the rear and erect a single storey extension to create a kitchen and to convert the existing kitchen into a family room. The extension would measure 3.6 metres (depth) x 6 metres (width) and stand at 2.6 metres in height (3.3 metres including roof lantern). The external materials would match the existing dwelling.

The application is a re-submission of a previously approved scheme (H23-0038-22). The current scheme proposes to change the roof from mono-pitched to flat. All other elements remain the same.

Site Description

The site comprises a two storey link attached dwelling located on Cranesgate South in Whaplode St Catherine. The dwelling is red brick built and has brown door/window frames. There is a single attached garage to the side which is attached to the neighbours garage. The front garden is part lawn and part gravel, providing of-street parking provision for at least 3no vehicles. A small conservatory is located at the rear. The rear garden is enclosed by a mixture of fencing and hedging.

History

H23-0038-22 - Extension and alterations - Approved

Consultation Responses

No representations received.

Principle of development

The site is within the Whaplode St Catherine 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.

Design and layout

Paragraph 130 of 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. Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

The footprint of the extension is the same as previously approved. The only change is to the roof type from mono-pitched to flat. Given the extension is to the rear of the site there would not be any views from the main public realm. There may be some glimpsed views from the open countryside to the rear of the site, however, given the extension would be sited at least 15 metres from the rear boundary it would not appear overly prominent.

As such the development is considered acceptable in terms of its impact on the character of the existing dwelling and the wider area therefore it accords with Policies 2 and 3 of the SELLP and the NPPF.

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 proposal would reduce the height of the previously approved extension therefore the current schemed reduces the impact on neighbouring amenity.

As such the proposals are not considered to unacceptably harm the residential amenity of adjacent neighbours by reason of unacceptable overshadowing or overlooking and therefore complies with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Planning Balance

The proposal will not materially harm the character or appearance of the locality or the amenity of nearby residents. On balance, no adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken

as a whole.

Conclusion

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.

Taking into account the above, this application accords with Policies 1, 2 and 3 of South East Lincolnshire Local Plan (2019) as well as Section 12 of National Planning Policy Framework (2021).

Accordingly, it is recommended to approve this application via delegated powers.

Additional Considerations

None.

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.