DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-1106-21**	**Applicant:**	**Miss D Worley**
Proposal:	Rear single storey accessible extension		
Location:	30 Cranesgate North Whaplode St Catherine Spalding		
Terminal Date:	23rd December 2021		

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 a householder application seeking permission for a single storey flat roof rear extension to create a bedroom. The extension would have a rear projection of 6.2 metres and a width of between 2.2 metres and 4.5 metres and would stand at 3 metres in height. The facing bricks of the proposed extension would match the existing dwelling.

SITE DESCRIPTION

The property is a two storey semi-detached house located on Cranesgate North in Whaplode St Catherine. The property is located outside any settlement boundary and within the open countryside. The dwelling is red brick built with white door/window frames. There is a gravelled

driveway and a grassed area to the front. The site is part of a cluster of 20 dwellings and the rest of the immediate area is open countryside.

RELEVANT PLANNING HISTORY

None.

REPRESENTATIONS

None received.

PLANNING CONSIDERATIONS

Principle of development

The site is outside any settlement boundary but the development would be within the existing residential curtilage of the existing dwelling therefore the principle of a house extension that is incidental to the enjoyment of a 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 extension is considered to be somewhat on the large side with a significant rear projection. However, given it would be located to the rear of the site there would only be limited views from the open countryside to the rear. However, given the limited height of the extension and the fact it would be sited some 23 metres from the rear boundary it would not appear overbearing. Furthermore a sufficient amount of outdoor amenity space would be retained in the rear garden therefore the proposal would not result in overdevelopment of the site. In addition, the attached neighbour has a number of outbuildings in the rear garden along the shared boundary and the extension would not extend beyond these buildings therefore the development is not considered to be out of character. The use of matching elevational materials would ensure the extension is in keeping with the character of the existing dwelling.

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

The closest neighbour to the proposed development is the attached house at no.29 Cranesgate North. The proposed extension would sit close to the shared boundary with this neighbour. However, this property has a number of outbuildings located in the rear garden along the shared boundary with the application site. As such the proposed extension would not extend beyond the rear elevation of the outbuildings and the majority of the extension would be blocked by these. As such the extension would not appear overbearing or result in unacceptable overshadowing.

With regards to the neighbour to the south at no.31 Cranesgate North the closest part of the extension would be located approximately 4.2 metres from the shared boundary with this neighbour. This separation distance is consider to be 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).

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 (2019).

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

That the application can be approved under delegated powers.

The application was referred to Chairman's Panel on 10 December 2021 when it was agreed the decision could be delegated.