

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 13 November 2019

(Author: Greg Watkinson - Planning Conservation Officer)

Purpose: To consider Planning Application H16-0937-19

Application Number: H16-0937-19

Date Received: 18 September 2019

Application Type: FULL

Description: First floor accessible bedroom extension and conversion of integrated double garage to accessible bathroom

Location: 2 ANGELICA DRIVE SPALDING

Applicant: Mr & Mrs Clucas

Agent: South Holland Building Consultancy

Ward: Spalding Wygate

Ward Councillors: Cllr R Gambba-Jones
Cllr C J Lawton

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-0937-19>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The agent is South Holland Building Consultancy.

2.0 PROPOSAL

2.1 The proposal is for the creation of a first floor extension of an accessible bedroom and conversion of an existing double garage for the purpose of creating an accessible bathroom.

2.2 The proposed first floor extension is to be positioned above the existing garage which the first floor already protrudes above to roughly half the length of the garage. The proposals will cause the first floor to become flush with the existing garage side wall along the northern elevation of the property. The extension will feature a stepped-down pitched roof and a single front-facing window.

2.3 The proposed garage conversion will include the 'bricking-up' of the existing garage door openings, with the installation of 2 new front-facing windows.

3.0 SITE DESCRIPTION

3.1 The site is within a modern residential development which features significant variation in both house size and design. The property itself is a large, 2-storey family home which is neighboured to the south by another similarly scaled property. To the north and west of the property, the neighbouring properties are bungalows.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

Policy 1 - Spatial Strategy
Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 32 - Community, Health and Well-being
Policy 36 - Vehicle and Cycle Parking
Appendix 6 - Parking Standards

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

National Guidance

National Planning Policy Framework (NPPF), 2019

Section 12 - Achieving well-designed places.

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 None.

6.0 REPRESENTATIONS

6.1 None.

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 Design and Layout

7.3 The Local Planning Authority does not seek any amendment to the design or layout of the proposals. This is because the proposal is considered to be suitable in design for both the property and the wider area. The extension is of a design which is architecturally sympathetic to the existing property. Bringing the first floor flush to the existing northern wall of the garage will not create an extension which is out of scale with the rest of the property. The loss of two garage doors to be replaced with brickwork and two front-facing windows is not considered to be of any harm to the character of the area.

7.4 The proposed layout is considered to be appropriate to service the applicant's needs as an accessible bedroom and bathroom.

7.5 Residential Amenity

7.6 It is not considered that the proposal will lead to any significant negative impact to the residential amenity of any neighbouring or nearby properties. This is because the proposals present no significant risk of either overlooking or overshadowing. The only additional proposed first floor window is front facing towards the road and therefore cannot be considered an overlooking risk and as the property sits to the south and north of its neighbouring properties, the first floor extension to the northern elevation will not impede upon the east-west travel of the sun, meaning it should present minimal risk of overshadowing.

7.7 In terms of the residential amenity of the inhabitants of 2 Angelica Drive, it is considered that the proposals will be of great benefit to the property's residents who are in need of accessible facilities within their property.

7.8 Parking Provision

7.9 Whilst the proposals will cause the loss of provision of 2 parking spaces with the conversion of the garage, the property features a large driveway which has ample room for multiple vehicles and for vehicle turning. It is not proposed that this will change.

7.10 **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.

7.11 Conclusion

7.12 No objections have been received and in the light of the considerations above, the proposed development is in accordance with Policies 1, 2, 3, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (2019). This application is therefore recommended for approval.

8.0 **RECOMMENDATIONS**

8.1 **Grant permission subject to the conditions listed in Section 9.0 of this report.**

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

06 A
07 A
08 A
09
10 Proposed
Site Location Plan
Application Form

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The brickwork and roofing tiles of the development hereby permitted shall match as closely as possible those of the principal existing dwelling on the site.

Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

4. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title

