

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H01-0981-23 **Applicant:** Mr & Mrs S Pywell
Proposal: Details of external materials (Condition 4 of H01-1011-22)
Location: 44 Backgate Cowbit Spalding
Terminal Date: 29th December 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development

National Guidance

National Planning Policy Framework 2023

Section 12 Achieving well designed places.

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

Details of external materials (Condition 4 of H01-1011-22).

Site Description

The plot is on a linear residential street on the east side of Backgate within the settlement boundary of Cowbit. The plot has an unoccupied bungalow on the site which sits forward of the general building line. The street consists of a mixture of single storey and two storey dwellings of varying styles and materials.

History

H01-1011-22 - Replacement Dwelling approved 6th December 2022.

H01-0187-23 - Details of levels survey, ecological biodiversity measures and foul & surface water disposal. Approved 20th June 2023.

Consultation Responses

None required.

Planning Considerations

The proposal relates to the approval of materials in pursuant to the host planning consent as part of Condition 4 of H01-1011-22.

Condition 4 Wording

The wording of Condition 4 of H01-1011-22 was as follows:

"No above ground work shall commence unless and until a schedule of external materials in relation to the colour, finish, and texture of all new materials to be used on all external surfaces and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the 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."

Condition Details

The proposed materials for the dwelling is as follows:

The bricks are proposed as Vandersanden Flemish Antique, which is a mixture of light and brown mixed types to give a mottled appearance. This is a modern design and the appearance in the street scene will be acceptable. The proposed bricks will not adversely affect the character of the area or immediate locality.

Roof Tiles

The roof tiles are Planun Smooth anthracite grey roof tiles which will complement the brick type and give a modern appearance to the dwelling in the street scene. No adverse impact on character.

Other materials

Rainwater goods are in black, windows are in white UPVC. These details are considered acceptable.

Conclusion

The proposed details are of a satisfactory design, colour and appearance, would not adversely affect the street scene or character of the area and would not conflict with Policies 2 or 3 of the SELLP.

As a result, approval of the materials is recommended.

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.