DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H03-0469-19**	**Applicant:**	**Mr O Wildish**
Proposal:	Proposed garage to front of dwelling - approved under H03-1139-18. Amendment to height of garage and new windows to rear and side elevation.		
Location:	7 Banks Drove Deeping St Nicholas Spalding		
Terminal Date:	7th June 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2019

Section 12. Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This is a non-material amendment to amend the height of garage and new windows to rear and side elevation of garage approved under planning application ref. H03-1139-18.

The garage measures approximately 4.8 metres in width, 6.8 metres in depth and 2.7 metres in maximum height. It is located 5 metres away from the house front elevation and 1 metre from the side boundary with adjacent property No. 6 to north-west.

Site Description

The site is part of a cluster of residential buildings near the junction of Banks Drove and Littleworth Drove. The immediate context is characterised by open fields, most of them of agricultural use. The applicant's property is a two-storey terraced house that stands in a long linear site. The row of dwellings is considerably set back from the highway. The front part is a mixture of grass and gravel.

History

H03-1139-18 - Proposed garage to front of dwelling - Approved

Consultation Responses

None.

Planning Considerations

Size, scale, design and layout

The height on both side elevations is proposed to marginally increase. 2 No. windows would be opened, one on the rear elevation and the other one on the southern-east elevation. No alteration has been proposed in comparison with the previously approved garage.

Impact upon the amenity

Having regard to the angle and separation distances with the houses down the road, no overlooking is anticipated between the intended windows in the outbuilding and those on the front elevation of neighbouring dwellings.

Conclusion

In light of considerations above, the proposed development is in accordance with Policy 2 and 3 of South East Lincolnshire Local Plan, 2019 and Section 12 of National Planning Policy Framework, 2019.

It is therefore recommended to approve this application via delegated powers.

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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.