DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H04-0093-24**	**Applicant:**	**DSM Construction Services Ltd**
Proposal:	Proposed two storey and single storey rear extensions and removal of existing garages - approved under H04-0918-22. Modification of Condition 2 to allow amendments to previously approved plans		
Location:	13 Church Street Donington Spalding		
Terminal Date:	4th April 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
28	The Natural Environment
29	The Historic Environment
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Sections 12 and 16 of the National Planning Policy Framework (December 2023)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This Section 73A Continuation application is for the amendment of condition 2 of H04-0918-22, which permitted the erection of two storey and single storey rear extensions and the removal of the garage at 13 Church Street, Donington.

Site Description

The site is close to the High Street and near to the heart of Donington. The Village of Donington is well served with a range of facilities and services within close proximity to the development site. The High Street comprises of a variety of different uses and local services ranging from residential to shops, food and drink, community uses, etc.

The site is within the Donington Conservation Area and is close to the Listed 'Red Cow' (Grade II) which has recently been converted to residential units. It is also close to the Grade II Listed No. 2 Town Farm House on the western side of Church Street.

Of less visual value, but of equal significance in terms of planning consideration, is the rear of the site. The appearance and overall visual amenity to the rear is less characterful despite still being within the boundaries of the Conservation Area.

History

H04-0918-22

Proposed two storey extension and a single storey extensions and removal of existing garages. Approved on 08-11-22.

Consultation Responses

Lincolnshire County Council as Lead Local Highways and Flood Authority

No objections.

Lincolnshire County Council Historic Places Team

No archaeological input required.

Planning Considerations

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South-East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Planning Considerations

The application proposed minor alterations in the scale, location and form of a number of windows and doors to the proposal. These can be summarised like so:

- French door on the rear, east facing elevation to be instead changed to a single door with an adjoining standard window.
- French door and eastern most window on the south facing elevation to be changed to a single,

larger bi-fold door.

Design and Heritage Impact

Section 12 of the NPPF, "Achieving well-designed and beautiful places", states that " creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments 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 outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the NPPF and require 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. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The proposed alterations would have no significant impact upon the character of the property. The alterations are to the rear of the site, therefore, their impact upon the street scene is limited. The removal of the render would bring the property more in keeping with the character of the area. Furthermore, because of this, the effect upon the public appreciation of the designated heritage asset - the Donington Conservation Area - is considered so minimal as to bear no weight upon that asset's character.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2, 3 and 29 of the SELLP and Sections 12 & 16 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF states that development should 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.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The alterations do not seek the creation of a quantity of window or door openings greater than that which was already consented, and none of the proposed alterations are above ground floor level, with no proposed alterations to the external dimensions of the building. As such, the Local Planning Authority does not consider there to be any increased material risk of either overlooking or overshadowing caused by this proposal.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users. As such, the proposal is considered to accord with the Section 12 of the NPPF and Policies 2

and 3 of the Local Plan in terms of impact upon residential amenity.

Planning Balance

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 proposed development will not materially harm the character or appearance of the locality or amenity of nearby residents. It is therefore considered to be in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019.

Conclusion

For the reasons listed above, this application is deemed to be in accordance with Policies 1, 2, 3, 29, 36 and Appendix 6 of the South East Lincolnshire Plan, in addition to Sections 12 and 16 of the National Planning Policy Framework (December 2023). The recommendation is therefore for a delegated approval.

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.