DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H06-0198-22**	**Applicant:**	**Mr & Mrs P Johnson**
Proposal:	Proposed Balcony		
Location:	Impallarcom House Stonegate Gedney		
Terminal Date:	14th April 2022		

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for a balcony with an external staircase to the rear of the dwelling. The balcony would measure 3.6 metres (depth) x 6.3 metres (width). It would have a glass balustrade with grey powder coated/aluminium frames. The northern elevation would be obscure glazed.

SITE DESCRIPTION

The site is at the end of row of properties forming frontage development on the western side of Stonegate. Nearly all properties are detached dwellinghouses. There is a mix of designs, appearances and ages as the buildings were individually designed. The property is a large two-storey detached gable pitched house. The front part of the site is sizeable. There is a gravelled driveway and the remainder of land is laid in lawn. The site is enclosed by boundary fencing and hedging.

RELEVANT PLANNING HISTORY

H06-1031-20 - Enclose existing porch canopy and replace first floor french doors with windows - Approved

H06-0360-20 - Single storey extension - re-submission of H06-0035-20 - Approved

H06-0035-20 - Single storey extension to dwelling - Approved

REPRESENTATIONS

Gedney Parish Council

Supports the application.

Resident

Two letters of objection have been received from the adjacent neighbour at Greystones siting the following concerns:

·Overlooking and loss of privacy from the balcony and stairs
·Overshadowing
·Noise and disturbance when the balcony is in use
·Out of keeping with the area as there are no other properties with balconies

PLANNING CONSIDERATIONS

Principle of development

The site is outside any settlement boundary, however, as the proposal is within the residential curtilage of the existing dwelling the principle of a balcony 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 adjacent neighbour at Greystones has objected to the proposal on grounds that the proposed balcony would be out of keeping with the area as there are no other properties with balconies. The concerns are noted, however, as the proposed development would be to the rear of the site it would not unacceptably impact the street scene.

The proposed balcony would project from the western side elevation of the dwelling by 3.6 metres and have a width of 6.3 metres. Having regard to the existing dimensions of the house, the proposed first floor balcony is acceptable in terms of scale, mass and bulk. There may be glimpsed views from the southern and eastern sides, however, given the distance from these boundaries the

balcony would not appear overly prominent.

As such the balcony would comply with the aforementioned policies on design, layout and impact upon the character of the local area.

Impacts upon Residential Amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The closets and only immediate neighbour is the neighbour to the north at Greystones. This neighbour has objected to the proposal on grounds that the development would result in overshadowing, overlooking and loss of privacy and additional noise and disturbance when the balcony is in use. The concerns are noted, however it is not considered that the development would result in any unacceptable impact on neighbouring amenity. This is further discussed below.

The proposal is not considered to result in any unacceptable overshadowing on this neighbour given the separation distance. The proposed balcony would be sited approximately 2 metres from the shared boundary with this neighbour and approximately 8.5 metres from its nearest elevation. This separation distance is sufficient as to not result in nay unacceptable overshadowing on this neighbours primary windows. There may be some overshadowing on part of this neighbours patio area/rear garden, however, given the fact this neighbour benefits from a large rear garden, any impact on a small section of it can on balance be accepted. The staircase would be sited closer, however, this element is considered minor and would not result in any unacceptable overshadowing.

This neighbours has also raised concerns of overlooking and loss of privacy from the proposed balcony and staircase. Given obscure glazing is proposed on the northern elevation of the balcony it is not considered that there would be any direct overlooking from the proposed balcony. With regards to the staircase, it is accepted that the may be views of the neighbouring property when climbing the stairs, however this is not considered significant enough to warrant a refusal as this would not be a primary viewing platform.

With regards to concerns of additional noise and disturbance, as the proposed balcony would be used in conjunction with the existing dwelling it is not considered that there would be any new activities not already present on the site. As such the scheme could not reasonably be resisted on this basis.

As such the proposal would on balance 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 1, 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (2021).

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

The application can be approved under delegated powers.