

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H06-0515-20 **Applicant:** M Cubley

Proposal: Proposed new dwelling and detached garage - approved under H06-1230-18. Amendments to window and door in utility room

Location: Adjacent To 93 Gedney Road Long Sutton Spalding

Terminal Date: 29th July 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 & 14 of the National Planning Policy Framework (2019)

- 5 - Delivering a sufficient supply of homes
- 12 - Achieving well-designed places
- 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
--	--------	---------	---------	----------

CASE OFFICER ASSESSMENT

Proposal

This is a non-material amendment application for a proposed new dwelling and detached garage - approved under H06-1230-18 on land adjacent to 93 Gedney Road, Long Sutton. The proposed amendments are to window and door in utility room. The original design shows a door in the side elevation and a window to the rear. The new design proposes to have a window in the side elevation and a door to the rear of the utility room. No other alterations are to be made.

Site Description

The proposal is within defined settlement limits and the surrounding area is predominately rural, characterised by linear development dwellings of varying ages and design.

History

H06-0033-09

Full - Proposed replacement dwelling and change of use of adjacent land for use as parking area for dwelling - Approved - 06 March 2009.

H06-1230-18

Full - Proposed new dwelling and detached garage - Approved - 07 February 2019.

Consultation Responses

No consultations made.

Planning Considerations

Principle of development

Full planning permission was granted for the replacement dwelling H06-1230-18. However, permitted developments do not exist until the new dwelling is in habitation.

Impact on character / amenity

The proposed amendments are sited to the side and rear of the dwelling, and have no impact on residential amenity, nor the character of the surrounding area. The distance to the boundary with 93 Gedney Road is 4.7 metres and beyond the boundary fence, the property is 8.8 metres. There is not considered to be any overlooking aspect from the proposal.

Conclusion

The proposed alterations constitute a non-material amendment.

A delegated approval is considered appropriate.

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.