

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H06-0794-24 **Applicant:** M Anderson & P Holmes

Proposal: Details of vision screen on southern elevation of the property, accompanying the proposed juliet balcony (Condition 7 of H06-0233-24)

Location: Rear Of Rampart Cottage Chapelgate Gedney

Terminal Date: 18th November 2024

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 National Planning Policy Framework (December 2023) (NPPF)

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

This application is for the discharge of Condition 7 of H06-0233-24. That condition read as follows:

"Prior to the first occupation of the dwelling hereby approved, and prior to its installation, details of a vision screen on southern elevation of the property, accompanying the proposed juliet balcony shall be submitted to and approved in writing by the Local Planning Authority. The approved vision screen shall then be installed and thereafter shall be so maintained."

Notes: The details of the proposed vision screen should demonstrate the removal of any material risk of overlooking to properties to the south and south west of the site.

Reason: To provide neighbouring properties with adequate privacy and reduce any potential impact of overlooking.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019."

Site Description

As in host application

History

As in host application

Consultation Responses

None requested

Planning Considerations

Condition 7 of H06-0233-24

This condition was originally imposed to ensure protection from potential overlooking to the rear of the (then) host dwelling, Rampart Cottage, as the proposed rear Juliet balcony could have otherwise offered direct views into the rear of that property.

The vision screen proposed would be constructed of brick and at full ceiling height in relation to the Juliet Balcony, spanning roughly half of the overall depth of the flat roof below. The LPA is satisfied that this would prevent oblique views into the rear of Rampart Cottage and therefore, this condition may be discharged.

Conclusion

This application is deemed to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) (SELLP) in addition to Section 12 of the NPPF. Therefore, this application is recommended for 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.