

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H06-0958-19 **Applicant:** Mr R Hook
Proposal: Erection of dwelling - outline approval H06-0549-18
Location: Adjacent: The Anchorage Churchgate Gedney
Terminal Date: 21st November 2019

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
28	The Natural Environment
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 12, 14, 15 and 16

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Reserved matters approval is sought for a 4 bed house, plus detached double garage.

Site Description

The site is located within an existing frontage on the southern side of Churchgate and is garden associated with The Anchorage. A bungalow is situated to the west and the common boundary is de-lineated by boundary fencing.

Site History

H06-0549-18 - O/A - Erection of dwelling - Granted 3 August 2018.

Consultation Responses

Gedney Parish Council - No objections

LCC Highways/SUDs - Does not wish to restrict the grant of permission.

Planning Considerations

The site has outline planning permission for a single dwelling. The principle of a dwelling upon the site has therefore been established.

The main issue is therefore whether the proposal satisfies the reserved matters.

Approval is sought for a 4 bed house to be constructed in Audley Antique facing brickwork with a Sandtoft Cassius Clay roofing tile. The proposal includes a double garage forward of the building line.

The site is within a frontage consisting predominantly of bungalows. However, 2 storey dwelling are situated further to the west and also opposite. Gedney Parish Council has raised no objections. Taking into consideration the aforementioned, it is considered, on balance, that the proposal would not materially harm the character/appearance of the street scene or setting of St Mary Magdalene's Church (grade I listed) further to the north-west.

It is considered that a property could be accommodated upon the site without unduly prejudicing the continued existence of trees to the rear, including a Willow.

The dwelling originally had a side first floor window overlooking the bungalow to the west. This has now been omitted. The balcony at the rear has side walls to address overlooking at close range. It is considered that the proposal would not without materially harm the amenity of nearby residents in terms of overlooking, overshadowing, lack of privacy, noise and disturbance, etc.

The proposal has sufficient parking spaces in accordance with Policy 36 of the SELLP. LCC Highways/SUDs has raised no objections on highway safety grounds.

In terms of flood risk, finished floor levels would be set 300mm above existing ground level at 2.85m aOD, in accordance with condition 10 of the outline permission.

Details of drainage are not a reserved matter and will need to be submitted as a separate condition compliance application.

Conclusion

The site is within a frontage consisting predominantly of bungalows. However, 2 storey dwelling are situated further to the west and also opposite. Gedney Parish Council has raised no objections. Taking into consideration the aforementioned, it is considered, on balance, that the proposal would not materially harm the character/appearance of the street scene or setting of St Mary Magdalene's Church (grade I listed) further to the north-west.

It is considered that the proposal would not without materially harm the amenity of nearby residents in terms of overlooking, overshadowing, lack of privacy, noise and disturbance, etc.

No objections are raised on highway safety grounds.

The proposal satisfactorily complies with the reserved matters.

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.