DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H07-0146-23**	**Applicant:**	**Mr Singh**
Proposal:	Replacement Dwelling - approved under H07-0347-20. Modification of Condition 1 to allow amendments to previously approved plans.		
Location:	Bowlers Rest 50 Mole Drove Gedney Hill		
Terminal Date:	12th April 2023		

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
22	Replacement Dwellings in the Countryside
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
Section 12. Achieving well designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Planning permission was granted for a replacement dwelling in December 2015 (ref. H07-0948-15). Development commenced on 18 October 2018. Applications have subsequently been submitted to modify the scheme (ref. H07-0869-18 and H07-0347-20).

This application is to modify condition 1 of H07-0347-20 to allow further amendments to the previously approved plans. They include the following:
- Rear single storey element enlarged/altered;
- Front lobby/gallery added;
- Revisions to fenestration.

Site Description

The site is located on the eastern side of Moles Drove and was formerly occupied by a bungalow. A paddock area is situated to the north and a bungalow beyond. A large house is located opposite.

Consultation Responses

None received.

Planning History

H07-0496-15 - Full - Replacement Dwelling - Granted 25 August 2015.

H07-0903-15 - S73 - Replacement dwelling - approved under H07-0496-15. Modification of Condition 11 to allow cream UPVC wood grained windows in lieu of timber - Refused 25 November 2015.

H07-0904-15 - NMA - Replacement Dwelling - approved under H07-0496-15. Amendments to include re-position of dwelling on site and additional roof lights to front elevation - Withdrawn

H07-0948-15 - Full - Replacement Dwelling (Re-application of H07-0496-15) - Granted 7 December 2015.

H07-0621-18 - C/C - Details of landscaping, bricks, doors and windows, roof lights, large scale cross sectional plans and details of vehicular access (Conditions 5, 6, 9, 10, 12, 13 and 16 of H07-0948-15) - Approved 17 August 2018.

H07-0869-18 - NMA - Replacement dwelling - approved under H07-0948-15 - Revised brick type, garage repositioned and roof lights omitted on front elevation - Approved 21 September 2018

H07-0347-20 - S73A - Replacement Dwelling - approved under H07-0948-15. Modification of Condition 11 to allow cream woodgrain uPVC windows/doors in lieu of timber - Granted 23 June 2020.

Planning Considerations

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 is outside Gedney Hill settlement limit within the South East Lincolnshire Local Plan (SELLP), 2019. It is therefore within an area regarded as countryside.

Policy 1 of the SELLP is therefore applicable. It is aimed to define a local spatial strategy from which new development should be steered to most sustainable locations. This Policy also establishes a settlement hierarchy that indicates the most and least sustainable locations. It goes on to state that "in the countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits."

Policy 22 of the SELLP indicates that proposals for the erection of replacement dwellings outside defined settlement boundaries will be permitted provided that:
1. the residential use of the building to be replaced (the original building) has not been abandoned;
2. the original building is permanent, has not become derelict and is not the result of a temporary permission;
3. the original building is not of architectural or historic merit and is not capable of repair;
4. the replacement building is of a high standard in terms of architectural detailing and materials of construction;
5. the replacement building is positioned on a similar footprint to the original building unless it can be demonstrated that the re-positioning would have beneficial impacts such as improving the character and appearance of the site and its locality; and
6. the replacement building does not exceed the floor area of the original dwelling by more than 40%, unless the development is of exceptional quality or innovative in nature in terms of its design, use of materials and levels of energy efficiency.

Addressing the above, the site already has planning permission for a replacement dwelling, which has been implemented. The principle of such development has therefore been established. The main issue, therefore, is whether the revisions are acceptable.

The original design was loosely based on the concept of a converted barn. The external materials are Hoskins "Old Farmhouse" bricks and Sandtoft Double Pantiles (terracotta). The proposed alterations to the dwelling do not affect its architectural integrity to such an extent as to justify refusal contrary to Policies 2, 3 and 22 of the SELLP.

In terms of amenity, a paddock area is situated to the north and a bungalow beyond. A cottage is set well back from the road to the north-east. A large house is located opposite. The separation distances from neighbouring properties are such that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, etc.

The garage is set well back with a large driveway. There are no highway safety or parking issues as a result.

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.

Conclusion

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 revisions are acceptable and satisfactorily comply with Policies 1, 2, 3, 4, 22 and 36 of the South East Lincolnshire Local Plan, 2020. There are no material considerations of such weight as to outweigh development plan policy.