

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H07-0347-20 **Applicant:** Mr M S Ryan

Proposal: Replacement Dwelling - approved under H07-0948-15. Modification of Condition 11 to allow cream woodgrain upvc windows/doors in lieu of timber

Location: Bowlers Rest 50 Mole Drove Gedney Hill

Terminal Date: 24th June 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

22 Replacement Dwellings in the Countryside

National Guidance

National Planning Policy Framework 2019

1, 2, 3, 4, 22 and 36

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.

This application is to modify Condition 11 to allow cream woodgrain upvc windows/doors in lieu of timber.

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.

H07-0948-15 - 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.

Planning Considerations

The planning permission for a replacement dwelling (H07-0948-15) has been implemented. The principle of such development has therefore been established. The main issue, therefore, is whether the alternative windows/doors are acceptable.

Policy 22 of the South East Lincolnshire Local Plan, 2019 indicates that proposals for the erection of replacement dwellings will be permitted providing, inter alia, the replacement is of high standard in terms of architectural detailing and materials of construction.

The proposed windows and doors are Residence 9, which are high spec conservation style uPVC windows/doors. They essentially recreate and preserve the architectural detailing of traditional windows and doors. They are considered to be an acceptable alternative in this case and satisfactorily comply with Policy 22 of the South East Lincolnshire Local Plan, 2019.

Conclusion

The proposed uPVC windows/doors are high spec conservation style and are considered to be acceptable. They are in accordance with Policy 22 of the South East Lincolnshire Local Plan, 2019. It is therefore recommended that the application be approved under delegated powers.

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.