DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H07-0663-20**	**Applicant:**	**Mr & Mrs G Merrison**
Proposal:	Extension and alterations (dwelling approved under H07-0249-20 - not yet completed)		
Location:	Plot 5 West Drove South Gedney Hill Spalding		
Terminal Date:	8th October 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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 12 and 14

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Full planning permission was granted for a 4 bed house, plus guest bedroom above an attached double garage in May 2020 (ref. H07-0249-20). Construction of the dwelling is well underway. This application is essentially to add a single storey flat roof family room at the rear of the property.

It should be noted that reserved matters approval was recently given for a four bed house and detached double garage on the plot immediately to the north (ref. H07-0945-19), which is presently under construction. The plot to the south has full permission for a four bedroom house with detached double garage (ref. H07-0281-20).

Site Description

The site is located on the western side of West Drove South and was formerly agricultural land associated with the Windy Nook Nursery to the rear. New development is under construction to the north. Residential development is situated opposite.

Policies/Constraints

The site is outside Gedney Hill Settlement Limit as defined in the South East Lincolnshire Local Plan, 2019.

Planning History

H07-0981-17 - O/A - Residential development (two plots) - Granted 6 December 2017.

H07-0249-20 - Full - Erection of detached house and garage - Granted 4 May 2020.

Consultation Responses

Gedney Hill Parish Council - No response received.

Public - No response received.

Planning Considerations

The main issues in this case are:

- Principle;
- Character/appearance;
- The likely impact upon the amenity of nearby residents;
- Other material considerations such as highway issues and flood risk.

Principle/Sustainability

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The site is outside Gedney Hill Settlement Boundary as defined within the South East Lincolnshire Local Plan, 2019. It is therefore within an area regarded as countryside. Policy 1 of the Local Plan states 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".

In this case, the proposal is solely an extension. Given the ancillary nature of the development, the proposal cannot be located elsewhere within a settlement boundary. Therefore, the principle of development for the proposal is acceptable unless material considerations indicate otherwise, according to section 70(2) of the Town and Country Planning Act 1990.

The proposal is in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019.

Character/Appearance

Existing development along West Drove South within the immediate vicinity is mainly two storey dwellings of varied styles and design. Houses are currently under construction to the north.

The proposed extension would have a flat roof, but would be located at the rear. It would be constructed in materials to match those existing. It is considered acceptable in terms of design and would not materially harm the character or appearance of the rural locality.

The proposal therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Amenity

A four bed house and detached double garage is currently under construction on the plot immediately to the north (ref. H07-0945-19). The plot to the south has full permission for a four bedroom house with detached double garage (ref. H07-0281-20).

The proposal is for a flat roofed family room at the rear of the dwelling, sited approx. 8.3m away from the south-western boundary and approx. 5.3m from the north-western boundary, and projecting approx. 3.8m from the rear elevation. In light of this, it is considered that the amenity of nearby residents, including future occupiers of the properties outlined above, would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc. Furthermore, the proposal could be constructed under permitted development rights had the dwelling been complete.

Whilst it is appreciated that there could be some disturbance during the construction phase it would only be temporary.

The proposal therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Highway Safety

Ample car parking is available upon the site and would not be affected. There are therefore no highway safety issues in this case.

The proposal is in accordance with Policies 2, 3 and 36 of South East Lincolnshire Local Plan, 2019 in this respect.

Flood Risk

The site is within Flood Zone 1 within the Environment Agency Flood Maps and also an area of no hazard within the South East Lincolnshire Strategic Flood Risk Assessment. No objections are therefore raised on flood risk grounds.

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

The proposed development is in accordance with Policies 1, 2 and 3 of South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework, 2019. It is therefore recommended that the application be approved under delegated powers.