

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H08-0293-20 **Applicant:** Mr & Mrs Garner
Proposal: Construction of detached dwelling and garage with access and associated works (previously approved under H08-0142-19)
Location: Land At Capontoft Cheal Road Gosberton
Terminal Date: 8th June 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 5 - Delivering a sufficient supply of homes
 Section 9 - Promoting sustainable transport
 Section 12 - Achieving well-designed places
 Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	1	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission was granted for the construction of a new detached dwelling and double garage and associated works on the site in April 2019.

This application is effectively a resubmission, the purpose of which is to seek approval of revised plans. The amendments to the original scheme comprise of alterations to the internal and external design of the house as well as positioning the dwelling further back within the site.

Site Description

The application site is an area of grassland located in between two existing properties which front on to Cheal Road ('Capontoft' and 'Ebenezer House'). There is also an existing dwelling opposite. The site is bordered by mature trees along the roadside and eastern boundaries and hedging on the western boundary. The northern boundary is currently open.

The site is accessed off Cheal Road, which is a narrow lane.

Although there are a few existing dwellings in the immediate vicinity, the predominant character of the wider area is rural.

History

H08-0142-19 - Full planning application for the construction of new detached dwelling and double garage and associated works (re-submission of H08-1017-18) (approved April 2019).

H08-1017-18 - Full planning application for the erection of a detached dwelling and double garage and associated works (refused November 2018).

Consultation Responses

Cllr Walsh - No observations.

Gosberton Parish Council - No comments.

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

Planning Considerations

Principle

The site benefits from an extant planning permission for a single dwelling, double garage and associated works. The principle of such development on the site has therefore been established and the key matter for consideration is whether the proposed revisions to the scheme (as set out below) are acceptable.

Alterations to internal layout, and external appearance of, the dwelling

The applicant is proposing changes to the internal layout of the dwelling in order to meet their specific requirements, which in turn has changed the external appearance of the house. However, the new design is similar to that previously approved in overall style and character - It is still 1 and a half storey in height, with an oak frame and traditional style materials being proposed (albeit the specifics are to be dealt with by condition). In order to take more advantage of the rural views to the rear, the footprint has been altered to make the house wider but less deep than that previously approved and to allow a dual aspect for some rooms.

Given that the overall design concept remains similar to that approved, the proposed alterations are considered to be acceptable in design terms and in accordance with Policies 2 and 3 of the Local Plan which, amongst other things, contain provisions on design, size and scale and impact on character and appearance of the area. It also complies with Section 12 of the NPPF which requires

developments, amongst other things, to be visually attractive and sympathetic to local character.

Repositioning of the dwelling and garage

As the trees at the site frontage are to be retained, it is proposed that the dwelling be sited further back within the site in order to minimise shading of the dwelling and to maximise the potential for natural light and solar heating gains. The garage has also been moved to the opposite side of the house which means that the driveway now sweeps across the site from the existing access.

The property has been repositioned approximately 17m further northwards within the site and, as a result, is now further from the road frontage than other existing properties in the locality. However, there is a large unit to the east that extends some distance from the road and the curtilage of the proposed dwelling would still not extend as far from the road as that of the existing property opposite the site. Furthermore, the repositioning should assist in reducing the energy demands, and thus carbon footprint, of the dwelling by minimising shadowing.

The revised position is therefore, on balance, considered acceptable and in accordance with the intentions of Policies 2, 3 and 31 with regard to ensuring that development minimises its carbon impact, as well as general impact on landscape character. It is also in accordance with Paragraph 149 of the NPPF which states that new development should be planned for in ways that can help to reduce greenhouse gas emissions, such as through its location, orientation and design, as well as Paragraph 153 which suggests that new development should take account of matters such as landscaping to minimise energy consumption.

Residential Amenity

The proposed dwelling is now positioned further away from existing properties and so the impact on residential amenity remains acceptable.

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

Taking the above into account, the proposed revisions are considered to be in accordance with Policies 2, 3 and 31 of the South East Lincolnshire Local Plan (2019) as well as Sections 12 and 14 (particularly Paragraphs 149 and 153) of the National Planning Policy Framework (2019).

The recommendation is therefore for a delegated approval.