

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0423-22 **Applicant:** Mr P Wallace

Proposal: Erection of dwelling - approved under H09-0362-21. Modification of Condition 1 to allow amendments to previously approved plans.

Location: Adj. 4 The Laurels Holbeach Spalding

Terminal Date: 15th June 2022

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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

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	1	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The site has planning permission for a 3 bed chalet bungalow (ref. H09-0371-18 and H09-0362-21).

This application is to amend the design and also the external materials (bricks).

Site Description

The application site is approximately 0.04 acres in size and was historically part of the garden of no. 4 The Laurels fronting Wignals Gate.

Residential properties are situated on the northern and southern side of Wignals Gate and there are four dwellings leading off The Laurels to the south-west. Land to the east is currently being developed and forms an access road serving new residential development at the rear.

History

H09-0371-18 - O/A - Residential development - Granted 22 June 2018.

H09-0115-19 - RM - Residential development - outline approval H09-0371-18 - Approved 1 April 2019.

H09-0362-21 - RM - Erection of dwelling - outline approval H09-0371-18 - Approved 26 May 2021.

Consultation Responses

Holbeach Parish Council

No objection

Public

No comments received.

Planning Considerations

The principle of a chalet bungalow on the site has already been established by virtue of H09-0371-18 and H09-0362-21. This application is to amend the design, including alterations to the rear elevation (larger dormers and replacement of patio doors with a window serving the lounge, etc). An external utility door has also been omitted and the external materials revised from a Wienerberger New Multi Red Gilt Stock facing brick to an Ibstock Leicester Multi Red Stock facing brick. The roofing material would be Marley Mendip tiles (Smooth Grey) as previously.

Although existing properties off The Laurels are houses the site is located within an area where existing residential development is generally varied in terms of type, design, appearance, age and external materials. Bungalows are situated further to the west. Taking these factors into account it is considered that the proposed dwelling would not materially harm the character of the area.

The proposed chalet has rear first floor dormer windows serving the master bedroom and bedroom 2. However, they are some distance from existing houses (nos. 3 and 4 The Laurels) to the south. Overlooking of neighbouring property would be at a distance or oblique. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.

Planning Balance

The proposed revisions are satisfactory and in accordance with the South East Lincolnshire Local Plan, 2019. There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

The planning balance lies in favour of the proposal.

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.

Recommendation

That the application be approved under delegated powers.