DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-0677-21**	**Applicant:**	**Mr & Mrs B Johnson**
Proposal:	Proposed Balcony		
Location:	Hurdletree Lodge Hurdletree Bank Holbeach		
Terminal Date:	16th August 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2019

NPPF 2021
Section 12 - Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for a balcony on the western side of the dwelling. The balcony would measure 3 metres (depth) x 4.2 metres (width). It would have metal railings painted black.

SITE DESCRIPTION

The property is a large detached dwelling located on Hurdletree Bank in Holbeach. The site is outside any settlement boundary and within the open countryside. The property sits on a large plot and has a gravelled driveway with ample parking to the front. The site boundaries are enclosed by

high level trees. The immediate area is characterised by mainly open countryside.

RELEVANT PLANNING HISTORY

H09-0357-14 - Proposed post and rail fenced menage for private use - Approved

H09-0183-08 - Proposed static field shelter - Approved

H09-0943-99 - Proposed conservatory - Approved

H09-1218-97 - Proposed extension to provide garaging and storage - Approved

H09-0003-97 - Conversion and extensions to barn to provide single dwelling - Approved

H09-0195-96 - Conversion of barn and extensions to barn to form one dwelling - Refused

H09-0105-94 - Change of use of redundant barn to dwelling with access - Approved

REPRESENTATIONS

No representations received.

PLANNING CONSIDERATIONS

Principle of development

The site is outside any settlement boundary, however, as the proposal is within the residential curtilage of the existing dwelling the principle of a balcony that is incidental to the enjoyment of a dwellinghouse is acceptable.

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 key material considerations are addressed below.

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations. Likewise, Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The proposed balcony would project from the western side elevation of the dwelling by 3 metres and have a width of 4.2 metres. Having regard to the existing dimensions of the house, the proposed first floor balcony is acceptable in terms of scale, mass and bulk. The balcony would sit well within the site and would be located at least 12 metres from the nearest boundary. As such it would not appear overly prominent in the street scene. In addition, given the presence of boundary trees there would only be glimpsed views of the balcony from the public realms. The proposed black painted metal railings would be a modern and contemporary addition to the existing dwelling and it is not considered that visual amenity would be materially undermined.

As such the balcony would comply with the aforementioned policies on design, layout and impact upon the character of the local area.

Impacts upon Residential Amenity

Given the remote location of the dwelling there are no immediate neighbours who would be impacted by the proposed development.

As such the proposal would accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Planning Balance

The proposal will not materially harm the character or appearance of the locality or amenity of nearby residents. The planning balance is therefore considered to be in favour of the proposal.

CONCLUSION

In light of the considerations above, the proposal is considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (2021).

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

The application can be approved under delegated powers.