DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-1084-20**	**Applicant:**	**Mr M Francis**
Proposal:	Proposed alterations to 2 flats - approved under H09-0403-19. Modification of Condition 2 to include retrospective work and remove 3 month time limit.		
Location:	15b & 15c High Street Holbeach Spalding		
Terminal Date:	2nd March 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework 2019

Sections 12 and 16 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This S73A Continuation application is for the alteration of Condition 2 of of H09-0403-19, which stated;

"Within three months of the date of this permission the external staircase and walkway/balcony area shall be enclosed with a privacy screen in accordance with a scheme which shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that there is no unacceptable overlooking to nearby residents.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019."

It is proposed to remove the 3 month time limit and to propose retrospective works for approval. The works that have been carried out is the installation of a metal external staircase with metal vision screens.

Site Description

As in host application.

History

As in host application

Consultation Responses

Local Resident objections

A letter of objection was received which objected to the proposal on the grounds that it is an eyesore and not in keeping with the conservation area setting.

Planning Considerations

Design and Heritage Impact

The Local Planning Authority seeks no amendment to the design of the proposal and does not consider there to be an impact upon the wider conservation area which would prove sufficient to refuse such an application.

The design, whilst rather unattractive is of a standard style for a structure of its type. In terms of the impact upon heritage, whilst it is accepted that this site is within the conservation area, and that normally such a development would be deemed to be unacceptable in this setting, this site is not at all visible from the public realm, being entirely sealed and closed off from any conceivable public views by virtue of its position within an enclosed and private courtyard. Therefore, it is considered that its impact upon the wider, publicly appreciable conservation area would be negligible.

Residential Amenity

The Local Planning Authority is satisfied that the vision screens which have been installed are of a sufficient nature to block out any potential for an undue amount of overlooking within this tightly enclosed courtyard.

Planning Balance

It is regrettable to development of this appearance within a conservation area setting, however, it is determined that because there is no conceivable way in which this site could be viewed from the public realm, its impact upon the conservation would be negligible.

Conclusion

For the reasons listed above, it is determined that this application is in accordance with Policies 1, 2, 3 and 29 of the South East Lincolnshire Local Plan (2019) as well as Sections 12 and 16 of the National Planning Policy Framework (2019). Therefore, this application is recommended for approval.

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.