DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-1101-19**	**Applicant:**	**Mr B Whitaker**
Proposal:	Erection of conservatory (retrospective)		
Location:	27 Wignals Gate Holbeach Spalding		
Terminal Date:	6th January 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2019

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 retrospective householder application for the erection of a new conservatory which measures 3.5m in width and extends 4.5m from the original rear extension wall. The conservatory has a 2.1m eaves height and a maximum height of 2.8m. The conservatory is double glazed from the ground level, connecting to the dwelling wall on the north elevation.

Site Description

The site is within the defined settlement boundary limits of Holbeach in the inset map 5 of South East Lincolnshire Local Plan 2019. The surrounding area is characterised as a residential area of a variety of designs.

The site is within a suburban neighbourhood in the southwest of Holbeach, surrounded by semi-detached houses of a similar design. The property has a picket fence boundary treatment with a large driveway and a large front and rear garden.

History

H09-0004-12 - Approved on 27-02-2012 for a ground floor bow window.

Consultation Responses

None.

Planning Considerations

Size and Scale

The dwelling at 27 Wignals Gate is a two-storey semi-detached property with long rear garden.

The extension protrudes 4.5m from the original rear wall of the building. The conservatory roof has a maximum height of 2.8m and is 4.5m from the site boundary to the south of the property.

In light of this, the development is considered to be of an acceptable scale, being subservient to the original property.

Layout and Design

The conservatory is situated to the rear of the property, connecting to the kitchen and utility room.

To the north of the conservatory is a store room, which is connected to the conservatory and is acting as part of the wall for the conservatory, as well as the rear wall to the west. The conservatory is situated in a suitable place in regards to the internal layout.

As well as this, the conservatory cannot be seen from the front of the property and is therefore not considered to change the appearance of the property when viewed from the front.

Given the above, it is considered that the layout and design of the development is acceptable.

Impacts upon Residential Amenity

In terms of residential amenity, the amount of external amenity space available to the occupiers of the property has not been adversely affected by this development due to the considerable size of the garden. There are also properties in the vicinity on similar sized plots i.e. the attached neighbouring property (no.29), with a similar style conservatory.

Through observation of the conservatory which has already been developed, there are no concerns regarding the overlooking of the neighbouring properties due to it being single storey.

This proposal is therefore acceptable in terms of residential amenity.

Conclusion

In light of the considerations above, this retrospective planning application for a conservatory to the rear of the dwelling is in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and of Section 12 of the National Planning Policy Framework (2019).

The recommendation is therefore for a delegated 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.