DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H11-0215-22**	**Applicant:**	**Mr & Mrs Howard**
Proposal:	Proposed single storey rear extension - approved under H11-0792-17. Modification of condition 3 to allow cladding in lieu of render		
Location:	120 London Road Long Sutton Spalding		
Terminal Date:	2nd May 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 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
RESIDENTS	0	0	1	0

CASE OFFICER ASSESSMENT

PROPOSAL

Section 73 of the Town and Country Planning Act 1990 allows the variation or removal of conditions associated with a planning permission. Under this Section, this planning application seeks modification of condition 3 to allow cladding in lieu of render, approved under application H11-0792-17.

The original application was for a single storey rear extension.

SITE DESCRIPTION

The site is located on London Road, within the Long Sutton settlement boundary. It comprises a detached white rendered bungalow. The site benefits from a gravelled driveway to the front/side providing off-street parking provision for several vehicles. The immediate area is primarily residential comprising dwellings of varying ages, design, materials and sizes.

RELEVANT PLANNING HISTORY

H11-1019-19 - Installation of flue on workshop - Approved

H11-0792-17 - Proposed single storey rear extension - Approved

H11-0712-17 - Proposed rear single-storey extension - Refusal

REPRESENTATIONS

Resident

One letter of representation has been received siting concerns that the cladding had been installed without planning permission.

PLANNING CONSIDERATIONS

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 use of cladding can on balance be accepted given there are examples of various different materials in the street and the proposed development is to the rear of the site with limited view from the public realm therefore no unacceptable harm is considered to result on the character and appearance of the area.

For these reasons, this application, on balance, complies with the aforementioned policies on design, layout and character of the local area.

Impact upon Residential Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

This application proposes changes to the external materials only and does not therefore result in any unacceptable impact on neighbouring amenity.

All other aspects of the proposal remain the same as the previously approved scheme.

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

Planning Balance

The proposal will not materially harm the character or appearance of the locality or the amenity of nearby residents to such an extent that would warrant planning permission being refused. The planning balance is therefore considered to be in favour of the proposal.

Conclusion

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.

Taking the above into account, the amendments are deemed to comply with Policies 2 and 3 of the SELLP, 2019 and Section 12 in the NPPF, 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

That the application be approved under delegated powers.