DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H12-0236-23**	**Applicant:**	**Mr D Mousley**
Proposal:	Proposed barn style double garage - approved under H12-0970-19. Modification of Condition 2 to allow amendments to previously approved plans.		
Location:	The Old Vicarage Old Vicarage Lane Lutton		
Terminal Date:	5th May 2023		

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
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

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 Section 73 application relating to the erection of a proposed barn style double garage at The Old Vicarage, Old Vicarage Lane, Lutton, Spalding. The development was originally approved

under application ref. H12-0970-19. This application now proposes amendments to Condition 2 to increase the rood height of the building and to insert two additional windows into the south elevation.

Site Description

The site is at the southern end of the built-up area of Lutton. Marriots Gate is the main road further to the east and the site is accessed by a short narrow cul-de-sac lane.

The site approximately amounts to 0.28 hectares. The property is a large two-storey old cottage. A driveway runs to the eastern side elevation of the house. The remainder of the land is laid in grass and used as a domestic garden. To the east, there is adjacent the residential property Tanglewood. Agricultural land extends to the west and south.

History

H12-0754-84 - Residential development - Approved

H12-0970-19 - Proposed barn style double garage - Approved

Consultation Responses

No consultation responses have been received.

Planning Considerations

There is an extant planning permission (H12-0970-19) for the erection of a proposed barn style double garage at The Old Vicarage, Old Vicarage Lane, Lutton, Spalding. The key matter for consideration is, therefore, whether the increase of roof height by 0.7m and the two additional windows into the south elevation would be acceptable.

It is considered that the increase of roof height by 0.7m and the two additional windows into the south elevation is acceptable.

The change of the roof height is a minimal alteration, and the additional two windows would not have an adverse impact to the character and appearance to the area, the proposal is well screened and there are no immediate neighbours to the south. It is not considered that the proposal would overshadow, overlook or be overbearing to the neighbouring properties.

Concern has been raised regarding the need for the additional window and the increase in roof height. A phone call was made to the applicant and messages have been left, however, no response. The planning application has to be determined in its current form. If a first floor was to be inserted then this would require an additional application.

The proposal is therefore considered to be in accordance with Policy 2 and 3 of the South East Lincolnshire Local Plan (2019), as well as Section 12 of the National Planning Policy Framework (2021).

Conclusion

Taking the above into account, the proposed barn style double garage at The Old Vicarage, Old Vicarage Lane, Lutton, Spalding approved by H12-0970-19 is considered to be in accordance with Policies 1, 2 ,3, 29 and 32 of the South East Lincolnshire Local Plan (2019) and Sections 12 and 16 of the National Planning Policy Framework (2021). 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.