DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0120-22**	**Applicant:**	**Mrs L Anglum**
Proposal:	Proposed first floor side extension & new entrance porch - approved under H13-0999-20. Modification of Condition 2 of the previously approved plans to allow cladding on the side elevation.		
Location:	40a Broad Lane Moulton Spalding		
Terminal Date:	15th July 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	1	0	0	0
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

BACKGROUND

The application was reported to the Planning Committee on 18/05/2022 where it was deferred for officers to negotiate with the applicant in line with the recommendations of the Committee to render

the front and rear elevations and allow cladding on the side elevation only. It was decided that if the Committee's recommendations are agreed by the applicant, Members delegate to officers the issuing of the planning permission.

As such the applicant has agreed to render the front and rear elevations and proposes cladding on the side elevation.

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 2 to allow amendments to previously approved plans under application H13-0999-20. This application seeks to change the previously approved render on the side elevation to brown cladding.

The original application was for a proposed first floor side extension & new entrance porch.

SITE DESCRIPTION

The site forms part of the built-up area of Moulton. It is within the frontage development stretching along the northern-east side of Broad Lane. The area is purely residential.

The property is a 3-bedroom two-storey detached house probably built in the 1980s. The appearance is traditional 'brick-and-tile' type with light oak UPCV fenestration. To the south-west, a two-storey high pitched dwellinghouse. To the north-east, a large two-storey hip roofed house. There is a certain range of designs, appearances and ages along the road because most of the plots were individually designed.

To the rear of the application property, a large garden laid in grass and slabbed patio area adjacent the rear wall. A 2 metre high timber closeboard fence encloses the garden.

RELEVANT PLANNING HISTORY

H13-0999-20 - Proposed first floor side extension and new entrance porch - Approved. This application proposed to render the whole of the property.

REPRESENTATIONS

Cllr A R Woolf

Objection as the cladding is out of character with the appearance of the street scene.

Moulton Parish Council

Objection as the brown plastic cladding is totally out of character with other surrounding properties and looks cheap and tacky.

Public

3 letters of objection have been received citing concerns that the brown cladding is very out of character and totally alien to the street scene.

PLANNING CONSIDERATIONS

Principle of development

The site is within the settlement boundary of Moulton as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Irrespective of spatial strategy considerations, the principle of extensions and alterations to an existing dwelling are 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.

6 letters of objection have been received, including a Ward Councillor, Moulton Parish Council and a number of local residents, citing concerns that the brown cladding is out of character with the street scene. The concerns are noted, however, the use of brown cladding, whilst not ideal, can on balance be accepted given there are examples of various different materials in the street, therefore it is difficult to argue that the cladding is unacceptably out of character with the street scene, particularly now it is restricted to the side elevation only.

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 to the side elevation of the extension 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).

Impact on highway safety

The proposed scheme does not impact the parking requirement or arrangements for the site. As with the previous scheme, sufficient off-street parking spaces would be retained in the driveway to the front.

The proposal therefore accords with Policy 36 and Appendix 6 of SELLP, 2019.

Planning Balance

The proposal will not materially harm the character or appearance of the locality, the amenity of nearby residents or highway safety 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 1, 2, 3, 36 and Appendix 6 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.