DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0206-22**	**Applicant:**	**Mr L Salter**
Proposal:	Proposed double garage & games room/gym with annexe above & swimming pool extension - approved under H13-0392-21. Modification to Condition 4 relating to the removal/reduction of trees on site		
Location:	14a Broad Lane Moulton Spalding		
Terminal Date:	18th April 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 12
Section 15

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

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 to modify condition of planning permission H13-0392-21. This application is to amend condition 4 to allow removal/reduction of trees on the site.

The original application was for a proposed double garage and games room/gym with annexe above and swimming pool extension.

Site Description

The site currently contains a detached dwelling located on Broad Lane in Moulton. It is accessed via a private drive between 14 and 16 Broad Lane. The property benefits from a large gravelled driveway with off-street parking provision for several vehicles. The site is enclosed by high level boundary trees/hedges. The site is adjacent to the Moulton Conservation Area. The immediate area comprises detached dwellings of varying size/designs.

Relevant Planning History

H13-0392-21 - Proposed double garage and games room/gym with annexe above and swimming pool extension - Approved

Consultation Responses

Residents

2no letters of objections have been received from the adjacent neighbour at no.2 Hawthorn Chase.

Planning Considerations

Layout, Design, Size and Scale

Paragraph 130 of 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. Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and l and uses.

The proposed reduction/removal of trees along the northern site boundary is considered acceptable as it would not significantly or unacceptably change the overall appearance of the site or result in any unacceptable impact to the character of the area. The site forms backland development therefore it is not considered to significantly contribute to the street scene or the overall character of the area. In addition, there are sufficient trees retained within the site.

All other aspects of the development remain the same as previously approved.

In light of the above, the amendments are considered to be acceptable on character/design grounds and in accordance with Policies 2 and 3 of the SELLP and Section 130 of the NPPF.

Impact upon Residential Amenity

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

The reduction of the trees along the northern boundary would result in the proposed garage/annex being more visible to the neighbour to the north. This neighbour has objected to the proposal. The closest part of the development is the garage/annex proposed adjacent to the shared boundary with this neighbour. The proposed building would be located approximately 2 metres from the boundary majority of it would be blocked by this neighbours existing garage therefore it is not considered any overbearing impact would result. The proposed building is not considered to result in overbearing impact or unacceptable overshadowing/loss of light on this neighbour given the roof would face away from this neighbour, thereby reducing the impact. In addition, no windows are proposed on the northern elevation facing this neighbour therefore there are no loss of privacy or overlooking

concerns.

All other aspects of the development remain the same as previously approved therefore the impact on all other neighbours is considered within acceptable tolerances as with the previous scheme.

As such the proposed amendments would on balance accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Trees

The trees in question are outside the conservation area and are not protected therefore they are not considered to be of high amenity value. In addition, given the backland location of the site the trees are not considered to contribute to the appearance of the street scene. As such the removal/reduction of the trees along the northern boundary is considered acceptable. In addition, the scheme proposes new trees to be planted therefore there would be a sufficient number of trees within the site.

The Councils Tree Preservation Officer has not commented on the application.

The proposal therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2021.

Parking

The proposed amendments to condition 4 of the previously approved scheme would not impact the parking arrangements for the site. As with the previous scheme the site exceeds the current parking standards therefore there are no parking concerns.

Planning Balance

The proposal will not materially harm the character or appearance of the locality or amenity of nearby residents. The planning balance is therefore considered to be in favour of the proposal.

CONCLUSION

In light of the considerations above, the proposal is considered to be in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (2019).

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.