

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-1148-22 **Applicant:** Mr K Alsop
Proposal: Proposed first floor extension including external balcony
Location: Waites Farm Barns Seas End Road Moulton Seas End
Terminal Date: 24th January 2023

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

CASE OFFICER ASSESSMENT

Proposal

This is a householder application, seeking planning permission for a proposed first floor extension including an external balcony to the property at Waites Farm Barns, Seas End Road, Moulton Seas End.

Site Description

The site is located on the western side of Seas End Road and is occupied by a range of converted barns. The nearest residential property is West View located approximately 70 metres to the south on the opposite side of Seas End Road. The neighbouring business premises to the south (D Brown Building Contractors Ltd et al) was once associated with the site but is no longer linked.

Relevant History

H13-0299-15 - Full - Change of use of 6 holiday lets to one single dwelling - Granted 8 June 2015.

H13-0680-15 - S73 - Change of use of 6 holiday lets to one single dwelling. Modification of Condition 2 of H13-0299-15 to allow amendments to previously approved plans - Granted 18 September 2015.

H13-0553-18 - Full - Single storey extension - Granted 24 July 2018.

H13-0156-22 - Full - Conversion of loft space above garage, store & sunroom to create additional accommodation including alterations - retrospective- Granted 7 April 2022.

Consultation Responses

No planning consultation responses received.

Planning Considerations

Principle

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 site is not within any Settlement Boundary as defined within the South East Lincolnshire Local Plan (SELLP), 2019. It is therefore within an area regarded as countryside. Policy 1 of the Local Plan states that "in the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits".

In this case, the proposal is solely alterations to an existing dwelling. Given the ancillary nature of the development, the proposal cannot be located elsewhere within a settlement boundary. Therefore, the principle of development for the proposal is acceptable unless material considerations indicate otherwise, according to section 70(2) of the Town and Country Planning Act 1990.

The proposal is in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019.

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 proposed external alterations include a first floor extension and the addition of a glazed balcony on the first floor on the south-western elevation. The first floor extension will include a new dormer wall and parapet detailing to match existing. The balcony will be constructed from a timber frame and glazed balustrade between. The alteration measures approx. 2m by 5.5m and is considered acceptable in terms of design/appearance and would not materially harm the character/appearance of the existing buildings or rural locality by virtue of its siting at the rear of the property.

Taking the above into account, the proposal is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale.

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.

The nearest residential property is West View located approximately 70 metres to the south on the opposite side of Seas End Road. The neighbouring business premises to the south (D Brown Building Contractors Ltd et al) are over 30m away. Given these distances, neighbouring residents would not be materially affected in terms of overlooking, lack of privacy, noise and disturbance, etc.

Taking the above into account, the proposed first floor extension and external balcony is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity.

Planning Balance

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 proposed first floor extension and external balcony will not materially harm the character or appearance of the locality or amenity of nearby residents. It is therefore considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Conclusion

Based on the reasons outlined above, the recommendation is 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.