Council Offices
Priory Road
Spalding
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PE11 2XE
Admin 01775 764723
DC Officers 01775 764703
facsimile 01775 762937
planningadvice@sholland.gov.uk
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Design & Management.Co.Uk
7 West Fen
Frithville
Boston
Lincs
PE22 7EX

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H14-0414-20 **Date of Decision:** 8th September 2021

Applicant: Mr Boyall
7 Bear Lane
Pinchbeck
Spalding
Lincs
PE11 3XA

Location: 7 Bear Lane Pinchbeck Spalding

Description: Extension to Dwelling

South Holland District Council hereby give notice that this application has been REFUSED for the above proposal for the following reason(s):

1 It is determined that further, two storey expansion to the North-West on what is already a tight plot, would present an unacceptable risk to the residential amenity and private enjoyment of Number 9 Bear Lane, as well as creating a cramped form of development by virtue of the resulting close-ness to the boundary of the site. Further expansion to the North-West would create an imposing, monolithic visual barrier when viewed from the side of Number 9 which would impact upon the private enjoyment of the garden of Number 9, as well as creating a major enhancement of the potential risk of overshadowing. This is in direct contravention of Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) which set out that development should preserve the amenity of neighbouring properties and that development should be influenced in terms of scale and massing, by that of neighbouring properties and the surrounding area.

2 The Local Planning Authority considers that this proposal would have an unacceptably harsh impact upon the character of this portion of the Pinchbeck Conservation Area. This portion of the Conservation Area is characterised by large properties with wide, well-spaced plots. By allowing 2 storey development so close to the boundary of the property,

this would vastly alter the street-side appearance of this property, further compounding the degradation of the general character of plot widths and existing street pattern of this site, within a central portion of Pinchbeck and its associated Conservation Area, meaning that this proposal is in direct contravention of Policy 29 of the South East Lincolnshire Local Plan (2019). Therefore, this application is also not considered to be able to either conserve or enhance the Historic Environment in line with Section 16 of the National Planning Policy Framework (2021), as is a requirement for developments affecting the Historic Environment and/or any Heritage Assets.

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. However, the issues are so fundamental to the proposal, due to the harm which has been clearly identified within the reason(s) for the refusal, that approval has not been possible.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

The determined plans are:

Existing & Proposed Block Plan
Existing Elevations
Existing Layout
Proposed Elevations
Proposed Layout
Site Location
Application Form



Phil Norman
Planning Manager
South Holland District Council

BUILDING REGULATIONS:
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planning inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**.

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the

Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.