DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0561-22**	**Applicant:**	**Mrs S Shellie**
Proposal:	Erection of timber balcony including alterations		
Location:	Rose Villa Tydd Road West Pinchbeck		
Terminal Date:	26th July 2022		

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 permission for the erection of a timber balcony, with internal alterations to the property at Rose Villa, Tydd Road, West Pinchbeck.

Site Description

The application site is situated outside of any defined settlement boundary and it therefore, situated within the countryside according to Policy 1 in the South East Lincolnshire Local Plan, 2019.

The two storey detached dwelling is situated on a spacious plot of land, set back from the road with a large gravelled driveway. There are also other dwellings set out sporadically along this section of the road.

The dwelling is surrounded by paddock land to the south of the site within the boundary, as well as open fields situated to the east, north and west of the site.

History

H14-0840-87- Approved on 26-07-87- Re-roof rear part of house and provide extension. Provide wider vehicular access & erect new wall.

Consultation Responses

No consultation responses received.

Planning Considerations

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 balcony will protrude from the rear and southern side elevation at first floor from the new master bedroom patio door on the rear elevation. The balcony will be formed from timber finished in black with glazing infill panels, to match the existing / proposed dark finishes on the dwelling. Furthermore, as the balcony is situated to the rear of the property, it will not materially impact upon visual amenity of the dwelling. It is indicated that the existing mahogany UPVC windows would be painted black, and the new windows would be black UPVC. This would not be materially different to the existing and is acceptable in amenity terms.

There are also a variety of internal alterations, which include the removal of two integral garages and replace with a larger open plan kitchen/dining room, with new patios doors to the front elevation. The existing kitchen will be turned into a cinema room, with cupboard space and the existing utility room at the rear will be formed into a shower room. The existing study room will be replaced for a large master bedroom with an ensuite and dressing area.

Taking the above into account, the proposed balcony and internal alterations are 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

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.

It is not considered that there would be an overbearing, overlooking or overshadowing impact upon the neighbouring property to the north due the balcony being positioned to the south east side of the dwelling and would not be physically visible from the curtilage of the neighbouring property. No new windows are proposed on the north facing elevation.

Taking the above into account, the proposed balcony and internal alterations are 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 balcony and alterations 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

The recommendation is therefore 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.