

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H14-0948-20 **Applicant:** Mr M Yould
Proposal: Erection of Dwelling - Amendments to approval H14-0626-18. (retrospective)
Location: Cecil Francis Farmyard Blue Gowt Drove Spalding
Terminal Date: 17th December 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 5 - Delivering a sufficient supply of homes
 Section 12 - Achieving well-designed places
 Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Reserved matters approval was granted in 2018 for the erection of a single dwelling on the site. However, the dwelling has not been constructed in accordance with the approved plans (H14-0626-18), and therefore retrospective planning permission is sought in order to regularise matters.

The changes that have taken place are:

- Roof height increased approx. 100mm
- Bay windows to front elevation altered from canted to boxed and canopy reduced in width
- Soldier brick course added to bedroom 4 and landing windows
- Window and door positions to utility room swapped
- Watercourse along the eastern boundary has been filled in and the fencing installed further across than approved
- Granite chippings rather than bark chippings either side of drive
- 1.2m high timber fence to front of dwelling in place of brick wall/pillars and railings
- Gates installed to side of dwelling

The applicant is also intending to increase the height of the fencing on the eastern boundary to 2m in height.

Site Description

The dwelling in question is nearing completion. It is neighboured by two storey dwellings either side with open fields opposite and to the rear. The boundary treatment along the western boundary comprises of a high brick wall in between properties, followed by 1.8m high closeboard fencing at the rear. Along the eastern boundary, there is new closeboard fencing which starts at 1.2m in height to the front of the property before rising to 1.8m in height at the side and rear.

History

H14-0626-18 - Reserved matters application for the erection of detached dwelling and garage - resubmission of H14-1073-17 (outline approval H14-0312-16) (approved August 2018)

H14-0409-18 - S73 modification application for the erection of detached dwelling and garage - approved under H14-1073-17. Modification of Condition 1 to allow amendments to previously approved plans (withdrawn August 2018)

H14-1073-17 - Reserved matters application for the erection of detached dwelling and garage - outline approval H14-0312-16 (approved January 2018)

H14-0312-16 - Outline application for residential development (approved June 2016)

Consultation Responses

Pinchbeck Parish Council - No objections.

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

Planning Considerations

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 located within any settlement boundary as set out in the South East Lincolnshire Local Plan (SELLP), 2019, and is therefore situated in the countryside in planning policy terms. However, the site benefits from previous outline and reserved matters approvals. The present application is retrospective in nature with the applicant seeking to regularise the fact that the dwelling has not been built in accordance with the previously approved plans.

Given that the principle of the development is sound, the key considerations in this case are:

- Layout, Scale and Appearance;
- Residential Amenity; and
- Drainage

Layout, Scale and Appearance

The changes that have taken place are minor in visual terms and not considered to adversely impact the overall appearance of the dwelling or the character of the area it sits within.

Furthermore, the new lattice timber fencing to the front of the dwelling is in keeping with that surrounding the front of the neighbouring property to the west.

The development therefore accords with Policies 2 and 3 of the Local Plan in this regard.

Residential Amenity

The increase in the height of the roof from that approved is minor (approx. 100mm) and, given that neighbouring properties are sited east and west of the dwelling, is not considered to result in a material loss of light or overshadowing.

The approved plans showed a 1.8m high fence along the eastern boundary, which has been installed, however the applicant is proposing to increase the height of this fencing to 2m in height. This is in response to concerns being raised by with regard to overlooking. It was noted on the site visit that the conservatory to the rear of the neighbouring property is visible from the kitchen window. An increase of 20cm should be sufficient to mitigate this overlooking aspect.

No resident objections have been received to the latest proposal.

The development therefore accords with Policy 3 of the Local Plan in terms of residential amenity.

Drainage

During the course of development the watercourse along the eastern boundary has been filled in and the fencing installed further across than previously approved. The Welland and Deepings IDB have been consulted on the application and, although the dykefill was unconsented, are content that the present application can be approved.

The means of surface and foul water disposal remain unchanged.

There is therefore not considered to be a conflict with Policies 2, 3 and 4 of the Local Plan with regard to drainage.

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.

Conclusion

Taking the above into account, the proposal is considered to be in accordance with Policies 1, 2, 3 and 4 of the South East Lincolnshire Local Plan (2019), as well as Sections 12 and 14 of the National Planning Policy Framework (2019).

The recommendation is therefore for a delegated approval.