DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H15-0669-20**	**Applicant:**	**Dobney Developments Ltd**
Proposal:	Installation of 3 velux roof lights (retrospective)		
Location:	Little Owl Farm Sarahgate Lane Quadring		
Terminal Date:	13th October 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 and 14 of the National Planning Policy Framework (2019)

12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	2

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application for the retrospective installation of 3 velux roof lights on the rear elevation roof slope of Little Owl Farm, Sarahgate Lane, Quadring. The approved plans of H15-0821-18 show that this room is to be used for storage space.

SITE DESCIPTION

The proposal site is outside the defined settlements of Quadring which is located to the west. The

surrounding area is predominately rural and characterised by buildings of varying ages and designs.

HISTORY

H15-0966-11

Full - Proposed replacement dwelling - Approved - 21 May 2012.

H15-0120-18

Full - Replacement dwelling - Approved - 04 May 2018.

H15-0821-18

Section 73 - Replacement dwelling - approved under H15-0120-18. Modification of Condition 2 to allow amendments to previously approved plans - Approved 26 September 2018.

CONSULTATION RESPONSES

SHDC - Councillor Walsh

"Whilst it would appear to be a minor oversight - the need for retrospective planning applications, in view of the free help from the Planning Dept at the early stages of an application, should be discouraged and carry some penalty."

Member of the public - 1 -

No objection.

PLANNING CONSIDERATIONS

Principle of development

This proposal is assessed against SELLP Policy 2 which is titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:
1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets; and
9. impact on the potential loss of sand and gravel mineral resources."

1. The size , scale and layout of rooflights in considered to be appropriate for the site. The rooflights are located to the rear overlooking arable land, and do not impact the character of the surrounding area.

2. The rooflights are located to the rear overlooking arable land at 1.8 metres above floor level, and do not impact the character of the surrounding area.

3. The appropriate materials are utilised for the rooflights.

4. The rooflights will not impact access and vehicle generation levels.

5. The rooflights will not impact local services or infrastructure.

6. The rooflights will not generate noise, odour or disturbance and are not considered to constitute a

visual intrusion.

7. The rooflights are not impacted by drainage or flood risk matters.

8. The rooflights do not impact natural habitats, historical buildings and heritage assets.

9. The rooflights do not impact sand or gravel mineral resources.

The proposal is considered to accord with Policy 2 of the SELLP.

Impact on amenity

The rooflights are located to the rear overlooking arable land at 1.8 metres above floor level, and do not impact the character or amenity of the surrounding area.

Retrospective applications should carry a penalty

This is not a matter that can be implemented as it is beyond the remit and control of Development Management..

CONCLUSION

The proposal does not impact residential amenity, nor the character of the dwelling or surrounding area. This application is in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019 as well as 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.