DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0186-23**	**Applicant:**	**Mr I Buckley**
Proposal:	Extensions, alterations, detached garage, wall and replacement septic tank - approved under H16-0803-21. Modification of Condition 2 to allow amendments to previously approved plans.		
Location:	145 Bourne Road Spalding		
Terminal Date:	21st April 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 12- Achieving well-designed places.

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a Section 73 application relating to proposed extensions and alterations including a replacement septic tank to the property at 145 Bourne Road, Spalding. The development was originally approved under application ref. H16-0803-21. This application now proposes amendments to Condition 2 to allow amendments to the approved plans.

Site Description

The property is a detached dwelling situated on the southern side of Bourne Road and is approximately 725 metres east from the centre of Pode Hole.

To the north of Bourne Road are large open fields. The dwelling is situated on a spacious plot and is set back from the road with a gravelled front garden and driveway, with high mature hedging to the front boundary as the boundary treatment.

The dwelling is currently vacant and the rear dwelling is currently neglected and overgrown. The dwellings along this road are varied in aged, size and design.

History

H16-0803-21 - Extensions and alterations and replacement septic tank - Approved 15 October 2021

Consultation Responses

Public

-Application form is inaccurate
-Request a condition is added to state that the development would be no less than approx. 900mm away from the boundary
-Two storey rear will create overshadowing problems
-Loss of privacy

Planning Considerations

There is an extant planning permission (H16-0803-21) for the erection of extensions and alterations including a replacement septic tank. The key matter for consideration is, therefore, whether the two additional windows on the west elevation would be acceptable, along with further clarification details on approved plans.

It is considered that the additional two windows on the west elevation are acceptable. The proposed west elevation is 6.5m away from the neighbouring dwelling, this is considered adequate separation distance, and it is considered that there would be no unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties.

With regards to further clarification details on approved plans, these plans have been submitted to accurately reflect exactly what's being built on the ground. All plans submitted to support this application are clearly labelled with all proposed measurements.

The proposal is therefore considered to be in accordance with Policy 2 and 3 of the South East Lincolnshire Local Plan (2019), as well as Section 12 of the National Planning Policy Framework (2021).

Conclusion

Taking the above into account, the proposed modification to the extensions and alterations approved by H16-0803-21 is considered to be in accordance with Policy 2 and 3 of the South East Lincolnshire Local Plan (2019) as well as Section 12 of the National Planning Policy Framework (2021).

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.