

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0419-21 **Applicant:** Mr & Mrs Jeffery

Proposal: Two storey extension and alterations - approved under H16-0812-20. Modification of Condition 2 to allow amendments to previously approved plans

Location: Willowgate Cottage 2 The Parkway Spalding

Terminal Date: 16th June 2021

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 2019

Paragraph 127 (Section 12. Achieving well-designed places)

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Section 73 of the Town and Country Planning Act 1990 allows the variation or removal of conditions associated with a planning permission. Under this Section, this planning application seeks to modify condition 2 of H16-0812-20 to allow amendments to previously approved plans.

Permission ref. H16-0812-20 was for a proposed two storey extension & alterations at Willowgate Cottage, 2 The Parkway, Spalding, PE11 3EE.

The aim of this modification is to lower the roof height of the extension previously permitted.

Site Description

The area is the suburbs surrounding the historic core of Spalding. A wide range of house types, roof layouts, designs and appearances has been observed along the road.

The dwelling is a detached two-storey house. The front garden is mainly a gravelled area for parking and turning. There is a detached gable pitch garage to the north-west of the property. A slabbed patio ribbon the rear elevation of the building and extends to the garage. The remainder of the rear garden is grassed.

To the north-west, No. 4 is a bungalow. To the south-east, an extensive public open space laid in grass. A nearly 2 metre high timber close boarded fence bounds the rear part of the curtilage. There is mature hedge or shrubs along the boundary line with No. 4 is a bungalow.

History

H16-0037-15 - Proposed conservatory to front/side of dwelling - Approved

H16-0812-20 - Proposed two storey extension and alterations - Approved

Consultation Responses

Cllr A M Newton

No objections.

Planning Considerations

Design and layout

Paragraph 127 of the National Planning Policy Framework (NPPF), 2019 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 reduction in the roof height is considered to result in an overall better design which is more sympathetic to the existing house and not overly prominent in comparison to the existing roof design.

As such the extension would comply with the aforementioned policies on design, layout and impact upon the character of the local area.

Residential amenity

The proposed amendment would result in a lesser impact on neighbouring amenity compared to the previously approved scheme and therefore complies with Policies 2 and 3 of SELLP (2019).

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 proposal will not materially harm the character or appearance of the locality or amenity of nearby residents. The planning balance is therefore considered to be in favour of the proposal.

Conclusion

Taking into account the considerations above, the proposal is considered to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019; and Paragraph 127 of the National Planning Policy Framework (NPPF), 2019.

It is accordingly recommended to approve this planning application under delegated powers.

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.