

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0455-22 **Applicant:** Mr & Mrs S Briers

Proposal: Proposed single storey front & rear extensions to existing dwelling - approved under H16-0499-21. Modification to Condition 2 to allow amendments to previously approved plans.

Location: 135 Cradge Bank Spalding

Terminal Date: 28th June 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
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a Section 73a Continuation for the modification to Condition 2 to allow amendments to previously approved plans for the proposed single storey front & rear extensions to existing dwelling - approved under H16-0499-21.

Site Description

The site is situated within the settlement boundary of Spalding according to the South East Lincolnshire Local Plan 2019. The detached dwelling is located on the western side of Cradge Bank amongst frontage residential development. To the east of Cradge Bank Road are open fields.

The dwelling is set back from the road, with a small front garden and a driveway to the front of the dwelling, and a detached flat roof garage to the north of the dwelling. There is a small 1m hedge as

the boundary treatment to the front boundary. There is also approx. 1m wide side access to the rear of the property. The rear garden is of a spacious size and well landscaped. There are no dwellings directly to the rear of the dwelling as adjoining properties are offset.

The surrounding dwellings are of a similar age and design.

History

H16-0499-21- Approved 29-06-21- Proposed single storey front & rear extensions to existing dwelling.

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 amendments to the previously approved scheme include a change in externals to the proposed front porch, from facing brickwork to match existing to K Render in Cream.

The proposed modification of the external materials are not considered to cause a detrimental impact upon the surrounding visual amenity, as the K rendering will only cover a minor section of the front elevation of the dwelling.

In light of the above, the amendments are considered to be acceptable on character/design grounds and in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this regard.

Impact upon 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.

The proposed modification to the front elevation is not considered to impact upon overlooking, overbearing or overshadowing of any residential amenity.

Taking the above into account, the proposed minor modification is 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 amendments to the previously approved plans 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 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.