DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0581-23**	**Applicant:**	**Mr N Willott**
Proposal:	Proposed first floor balcony		
Location:	25 Sorrel Drive Spalding		
Terminal Date:	18th August 2023		

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 householder application seeking permission for a proposed first floor balcony at 25 Sorrel Drive. The balcony will be situated on the south west elevation of the property.

Site Description

The site is located within the settlement boundary of Spalding as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). The dwelling has a large gravel driveway with a garage situated here opposite the main dwelling house. The building is made of brick with a tiled roof and white uPVC windows, the garage is made of the same materials. The front door appears to be made of brown uPVC. The rear garden has a small shed with a decking area protruding from the rear of the property with a small pergola. There are a variety of trees also in the garden. The dwelling is to the east of agricultural fields.

History

H16-0233-98 - Proposed residential development - Approved

H16-0477-98 - Landscaping proposals and landscape management plan (Condition 3 & 8 of H16-0233-98) - Approved

Consultation Responses

No consultation responses.

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, that they are visually attractive, as a result of good architecture, and are sympathetic to local character. 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 materials being used will match the existing dwelling where it can. The columns supporting the proposal will be made of red brown clay facing brickwork which is in keeping with the brickwork that the existing house is made from. The facias will be made of white uPVC which is also in keeping with the host dwelling. The balustrades will be frameless tinted toughened glass with round stainless steel handrails and the decking will be grey composite uPVC. These two features are not in keeping with the dwellings as there is no use for them currently, however they will not look out of place as a result of this and the main features match the dwelling to ensure that no visual discrepancies are created.

The proposal will run the same length as the existing dwelling to provide adequate space for the residents to use the balcony, it will protrude from the south west elevation by approximately 1-2 metres with the middle section being slightly wider. It is higher than the 1.8m existing boundary fence due to it being situated on the first floor however this wouldn't cause any concerns regarding overlooking. The measurements of this proposal can be considered to be proportionate despite there being no other balconies in the immediate area.

The balcony will be connected to the master bedroom and as such the opening within this room to the outside will be increased and a 1350mm white uPVC patio door will be installed and will match the existing patio doors situated at the rear.

Impacts Upon Resident Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The proposed first floor balcony would have no impact on resident amenity. The nearest resident to 25 Sorrel Drive that could potentially be overlooked is over 50m away. There would be no concerns regarding overshadowing or overlooking and the development would not be overbearing on the area or locality. There are large trees fronting the main road preventing this from happening and benefitting the proposal. Naturally, after the initial construction, which itself would take place over a short period, minimal additional noise pollution would be caused as a result of the development.

The proposal is therefore in accordance with Policies 2 & 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Planning Balance

The proposed first floor balcony would not materially harm the character or appearance of the area. There would be no overshadowing or overlooking as a result due to the distance to neighbouring properties and the existing trees within the area. The overall design and materials being used are in keeping with the property in which the application is going.

This proposal is therefore considered to be in accordance with Polices 2 & 3 of the SELLP and Section 12 of the NPPF

Conclusion

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.