DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0630-21**	**Applicant:**	**Mr & Mrs K Atkinson**
Proposal:	Proposed Stone Portico		
Location:	Tallis House 52a Cowbit Road Spalding		
Terminal Date:	2nd August 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2019

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 pemrission for a proposed stone portico to the property at Tallis House, 52a Cowbit Road, Spalding.

Site Description

The site is situated within the settlement boundary of Spalding, according to the South East Lincolnshire Local Plan, 2019. The property is a large detached dwelling set back to the east of Cowbit Road. To the front of the property is a hedged boundary with gated entrance and a large driveway. A detached double garage is sited to the rear. The ground floor of the dwelling is barely visible from the road due to ground levels being lower than the carriageway.

History

H16-0198-07- Approved 03-04-07- Full- Erection of six-bed detached dwelling and garage.

H16-0197-07- Approved 05-03-07- Condition Compliance- Details of rainwater goods, gas and electricity boxes, face of frame for new windows (Conditions 9, 10 and 11 of H16/0950/06).

H16-0869-07- Approved 20-08-07- Condition Compliance- Details of design, siting and external materials of garage.

H16-0224-08- Approved 17-03-08- Condition Compliance- Details of boundary treatment (Condition 3 of H16/0198/07).

Consultation Responses

No consultation repsonses.

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 proposed portico will protrude from the existing front elevation front entrance door. It will protrude approx. 2m and with an overall width of approx. 2.7m. Having regard to the existing dimensions of the house, the proposed portico is acceptable in terms of scale, mass and bulk and is only considered to be a minor extension to the principal elevation.

The proposed materials include the use of stone columns which will compliment the existing use of quoins on the original dwelling. Thus, the proposed portico will appear well blended with the fabric of the house and visual amenity will not be undermined.

Taking the above into account, the proposed portico is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale.

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 portico is a minor development to the principal elevation of the dwelling. It is therefore not considered that there would be a material adverse impact on residential amenity in terms of overlooking, loss of light or being overbearing.

Taking the above into account, the proposed portico 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 proposed portico 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.

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.

Conclusion

The recommendation is for a delegated approval.