

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0964-19 **Applicant:** Mr M Yould

Proposal: Details of external materials, design and position of external boxes etc, landscaping and boundary treatment (Conditions 3, 4, 5 and 6 of H16-1140-17)

Location: 25 Bowditch Road Spalding

Terminal Date: 20th November 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing

National Guidance

National Planning Policy Framework 2019

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

This is a condition compliance application for details of external materials, design and position of external boxes etc, landscaping and boundary treatment (Conditions 3, 4, 5 and 6 of H16-1140-17) on garden land adjacent to 25 Bowditch Road, Spalding.

Site Description

The proposal site is within defined settlement limits at the junction of Bowditch Road and Cedar Court. The surrounding area is characterised by dwellings of varying ages and design.

History

H16-0151-10

Outline - Residential development - proposed pair of semi-detached houses - Approved - 20 July 2010.

H16-0151-13

Reserved Matters - Residential development - erect pair of semi-detached houses (Outline permission H16-0151-10) - Approved - 04 April 2013.

H16-0373-16

Full - Proposed pair of semi-detached houses - Application Withdrawn - 30 November 2016

H16-1227-16

Full - Erection of two 3-bedroom houses with associated garaging and parking - Refused - 07 March 2017

H16-1140-17

Full - Erection of detached garage with two-bedroom flat above - Approved - 24 July 2018

Consultation Responses

None

Planning Considerations

3 - Materials Schedule

Bricks are to be Forterra LBC Rustic Antique with Sandtoft Brown Standard Pattern Roof Tiles and White UPVC Windows. This is considered to be appropriate for the site and vicinity.

4 - Domestic Accoutrements

The proposed utility boxes are to be located on the western side elevation. This is considered to be appropriate for the site and vicinity.

5 - Landscaping Detail - Full

The garden to the rear of the approved building is to remain in the ownership of 25 Bowditch Road. This is not considered to impact the amenity of the future occupant of the approved first storey flat or the existing occupants at 25 Bowditch Road.

6 - Details of boundary treatment

A 2 metre high close boarded fence will be installed at all boundaries. This is considered to be appropriate for the site and vicinity.

Conclusion

Conditions 3, 4, 5 and 6 of H16-1140-17 are now considered to have been satisfactorily addressed.

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.