

DECISION DELEGATED TO DEVELOPMENT MANAGER**DECISION DELEGATED TO DEVELOPMENT MANAGER**

Application No: H16-1100-19 **Applicant:** Mr Roger & Mrs Diana Smith

Proposal: Proposed conservatory

Location: 18 Cley Hall Drive Spalding Lincs

Terminal Date: 6th January 2020

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development

National Guidance**National Planning Policy Framework 2019**

Section 12 of the National Planning Policy Framework (2019)

Representations:

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

CASE OFFICER ASSESSMENT**Proposal**

This is an application for a proposed conservatory at 18 Cley Hall Drive, Spalding. The proposal seeks to provide a side elevation conservatory that projects 3.6 metres from the wall and is 4.7 metres in width. The eaves height will be 2.3 metres and the overall height 3.3 metres. The existing side elevation conservatory is to be demolished. This application requires planning permission as the site is a corner plot and this extension projects toward Cley Hall Drive to the south. The brick of the 600mm high dwarf wall of the conservatory is to match that of the existing dwelling.

Site Description

The proposal is within defined settlement limits and the surrounding area is characterised by

dwelling of a similar age and varying design.

History

None

Consultation Responses

Planning Considerations

- Principle of development
- Impact on neighbour amenity

Principle of development

The principle of development in this location is acceptable. The conservatory is replacing an extension of a smaller footprint but similar height. The existing extension measures 1.2 metres by 2.7 metres and has a height of 3.3 metres. The proposal seeks to provide a side elevation conservatory that projects 3.6 metres from the wall and is 4.7 metres in width. The eaves height will be 2.3 metres and the overall height 3.3 metres

Impact on neighbour amenity

There is not considered to be a material impact on neighbour amenity. The property to the east is bordered by a 1.8 metre high fence and there is not considered to be an overlooking or overshadowing impact.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, 2019.

A delegated approval is considered to be appropriate.

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.