

## DECISION DELEGATED TO DEVELOPMENT MANAGER

**Application No:** H17-0575-20      **Applicant:** Mrs D Giessler

**Proposal:** Proposed extension and alterations - approved under H17-1072-15. Modification to Condition 2 to allow amendments to previously approved plans.

**Location:** 5 Low Gate Surfleet Spalding

**Terminal Date:** 11th September 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)

12 - Achieving well-designed places

### Representations:

|                | Object | Support | No Obj. | Comments |
|----------------|--------|---------|---------|----------|
| PARISH COUNCIL | 0      | 0       | 0       | 0        |
| WARD MEMBER    | 0      | 0       | 0       | 0        |
| RESIDENTS      | 0      | 0       | 0       | 1        |

### CASE OFFICER ASSESSMENT

#### Proposal

This is a Section 73 application for a proposed extension and alterations - approved under H17-1072-15 at 5 Low Gate, Surfleet. This application seeks a modification to Condition 2 to allow amendments to previously approved plans.

The proposal is for a side, front and rear extension. The front extension will project 3 metres, with the side extension 1.74 metres and the rear extension projects 1.92 metres from the original rear wall. The extension would provide a dining room, spare room, utility, entrance hall and a water closet. The proposal is different from the previously approved plan in that the new application seeks to connect the front and side extension to form one wrap around extension. Condition 3 of H17-1072-15 required matching brick and tile and the applicant isn't seeking to amend this. A parapet wall will be sited on the boundary of 5 & 6 Low Gate. The majority of the brickwork of the extension has been constructed.

## **Site Description**

The proposal is outside of defined settlement limits and the surrounding area is predominately rural, characterised by buildings of varying ages and design.

## **History**

### H17-0810-15

Full - Extension and alterations - Refused - 21 October 2015.

### H17-1072-15

Full - Proposed extension and alterations (re-submission of H17-0810-15 previously refused) - Approved - 18 December 2015.

## **Consultation Responses**

### Member of the public

Questions why a parapet wall forms the boundary with 6 Low Gate and not a boundary fence.

## **Planning Considerations**

### Principle of development

The proposal is for residential development on residential land. The principle of development in this location is considered to be acceptable.

### Installation of a parapet wall

The proposed parapet wall is not considered to impact the character of the development or the amenity of the neighbouring property at 6 Low Gate. Matters related to boundary ownership do not carry material planning weight and the wall is not sited on land or property in the ownership 6 Low Gate, according to the submitted plans. A coping stone on the original plans breached the line of ownership so amended plans have been received that bring the entirety of the development within the ownership of the applicant.

### Impact of development

There is not considered to be any material harm to neighbouring residential amenity from overlooking or overshadowing. The design, scale and layout is considered to be appropriate for the site and does not materially impact the character of the dwelling or the surrounding area.

## **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.