

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H17-0832-22 **Applicant:** Mr R Daimond

Proposal: Proposed building for storage of vehicles (personal use) - approved under H17-0184-20. Modification to Condition 2 to allow amendments to previously approved plans.

Location: 4 Low Gate Surfleet Spalding

Terminal Date: 18th October 2022

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
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

Section 73 of the Town and Country Planning Act 1990 allows the variation or removal of conditions associated with a planning permission. Under this Section, this planning application seeks modification of condition 2 to allow increase in the height of the building by 0.45 metres and change the colour to green, approved under application H17-0184-20.

The original application was for a proposed building for storage of vehicles (personal use).

SITE DESCRIPTION

The site is located approximately 770 metres to the north-west of the main built-up area of Surfleet. The wider location is characterised by flat agricultural fields. It is not an isolated location. There is development in the vicinity, both residential and agricultural use.

The site is part of a short frontage of semi-detached two-storey properties, probably former council housing. A back lane serve access to the rear of the properties which splits the residential plots with long linear back yards stretching to the south-west.

There is a nearly 2 metre high closeboard fence along the southern-west boundary whereas shorter fence of similar appearance is on the opposite side within the first metres from the rear.

RELEVANT PLANNING HISTORY

H17-0184-20 - Proposed building for storage of vehicles (personal use) - Approved

REPRESENTATIONS

Surfleet Parish Council

Supports the application.

Resident

One letter of objection has been received siting the following concerns:

- The drawings are not to the scale quoted of 1:100
- The building floor height is higher than the ground level by approx. 450mm
- The eaves height is 4.2m and the ridge height is approx. 6m
- The building is closer to our property than 1m
- The drawing does not show numerous other buildings on the plot
- The drawing does not show the large concrete hardstand in front of the building and when it is added to the size of building this results in an overall size that exceeds 50% of the garden

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 minor increase in the height of the building is not considered to result in any discernible difference in the overall appearance of the building. The green colour finish instead of the originally approved grey is considered acceptable given the semi-rural location and limited views from the main public realm. As such no unacceptable harm is considered to result on the character and appearance of the area.

For these reasons, this application, complies with the aforementioned policies on design, layout and character of the local area.

Impact upon Residential Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing

and future users.

This application proposes a minor increase in the overall height of the building (0.45 metres) and changes the external colour finish from grey to green. The height increase is considered minor and does not therefore result in any unacceptable impact on neighbouring amenity.

All other aspects of the proposal remain the same as the previously approved scheme.

As such the proposal accords with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

Other matters

One letter of objection has been received siting the following concerns:

The drawings are not to the scale quoted of 1:100 - This is noted, however, the submitted plans show dimensions therefore the plans are acceptable.

The building floor height is higher than the ground level by approx. 450mm - This is noted, however, having investigated that site the Councils Enforcement Officer has not confirmed this discrepancy.

The eaves height is 4.2m and the ridge height is approx. 6m - This is noted, however, the Councils Enforcement Officer has visited the site twice and has confirmed that the eaves of the building are as originally approved and the ridge height is 0.45 metres higher as shown on the current submitted plans. The applicant was asked to submit an application to try and regularise these discrepancies, however, given the minor changes if the owner ultimately decided not to submit an application it is unlikely that the Council would consider it expedient to take further action.

The building is closer to our property than 1m - This is noted, however, it has not been confirmed by Councils Enforcement Officer and in any case it is not considered to impact the overall scheme. The drawing does not show numerous other buildings on the plot - This is noted, however, other buildings on the wider site are not considered to impact this scheme.

The drawing does not show the large concrete hardstanding in front of the building and when it is added to the size of building this results in an overall size that exceeds 50% of the garden - It is unsure what is meant by this, however, it seems reference is being made to what the applicant can do in terms of permitted development which does not allow more than 50% of the land around a house to be covered by buildings/extensions. In this instance the permitted development criteria is not relevant as the development is being considered under a planning application. In any case it does not appear that more than 50% of the land has been covered.

Planning Balance

The proposal will not materially harm the character or appearance of the locality or the amenity of nearby residents to such an extent that would warrant planning permission being refused. The planning balance is therefore considered to be in favour of the proposal.

Conclusion

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.

Taking the above into account, the amendments are deemed to comply with Policies 2 and 3 of the SELLP, 2019 and Section 12 in the NPPF, 2021.

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.

RECOMMENDATION

That the application be approved under delegated powers.