

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H17-1066-22 **Applicant:** Mr D Parkinson

Proposal: Erection of steel framed balcony to rear of detached two storey building - retrospective

Location: Reservoir House 152 Reservoir Road Surfleet

Terminal Date: 29th December 2022

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 2021

Section 12

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

This is a householder application, seeking retrospective planning permission for the erection of steel framed balcony to rear of detached two storey building located at Reservoir House, 152 Reservoir Road, Surfleet.

Site Description

The application site accommodates a detached dwelling and two outbuildings and lies on Reservoir Road in Surfleet. The site is within defined settlement limits and the surrounding area is predominately rural, characterised by linear development of varying ages and designs. There are open fields to the north. To the east/south-east is The Ship Inn Public House and car park with the River Glen is to the south-east. Residential properties adjoin the western and eastern sides of the host properties curtilage.

History

H17-0273-07 - Alterations and extensions to existing dwelling, plus new vehicular access- Refused

H17-1626-07 - Proposed alterations and extension to dwelling and new vehicular access - Approved

H17-0817-09 - Raise height of frontage wall - Refused

Consultation Responses

Surfleet Parish Council

Support - No Comment

Resident

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

- Overlooking and loss of privacy from the balcony
- It is not in the habitable area of the address
- It appears too large for the building

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 balcony protrudes from the rear elevation of a detached outbuilding at first floor from the work room patio doors. The balcony is formed of a steel frame in black, to match the existing external staircase to the south elevation. As the balcony is situated to the rear of the property, it does not materially impact upon visual amenity of the dwelling or the wider area.

Taking the above into account, the retention of the balcony would satisfactorily 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.

Impacts upon Residential Amenity

Paragraph 130 of the 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.

Objections to the proposal on grounds that the development would result in overlooking have been received. The concerns are noted; however, it is not considered that the development would result in any unacceptable impact on neighbouring amenity. This is further discussed below.

The proposal is not considered to result in any unacceptable overshadowing on the adjacent neighbouring dwellings given the separation distance. The proposed balcony would be sited

approximately 20.7 metres from the shared boundary with No.148 and approximately 36.21 metres from its nearest elevation. The proposed balcony would be sited approximately 19.72 metres from the shared boundary with Greetings and approximately 38.89 metres from its nearest elevation. This separation distance is sufficient as to not result in any unacceptable overlooking on this neighbours' primary windows or garden and there are already side facing windows at first floor on the building. By virtue of the angle and separation distance between the two neighbouring dwellings, it's not considered there would be a material overlooking impact.

Taking the above into account, the retention of the balcony would satisfactorily 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 balcony as existing does 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.

Conclusion

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