

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H17-1174-20 **Applicant:** Mr C Godderidge

Proposal: Demolish existing bungalow, erect 5 bed detached house with double integral garage and associated external works - approved under H17-0860-18. Modification of Condition 2 to allow amendments to previously approved plans.

Location: 31 Station Road Surfleet Spalding

Terminal Date: 24th February 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a Section 73 application to vary the approved plans relating to the proposed replacement dwelling at 31 Station Road, Surfleet (H17-0860-18).

This application proposes amendments including the removal of the rear balcony and the addition of a rear single storey sun room. The width of the dwelling has been reduced with the double garage being changed to a single garage and a car port being included instead. There are also alterations to fenestration.

Site Description

As original application, except the bungalow has now been demolished.

Consultation Responses

Surfleet Parish Council- No Observations

Planning Considerations

There is an extant planning permission (H17-0860-18) for a replacement dwelling on this site. The key matter for consideration is, therefore, whether the proposed amendments are acceptable in planning terms.

The windows on the western elevation would be to a utility room and two en-suites, none of which are classed as habitable rooms in planning terms. A lounge and sun lounge window are shown at ground floor level on the eastern elevation and a bathroom window at first floor. However there are no facing windows on the neighbouring property to the east. Overlooking is therefore not considered to be a material issue. The ridge height of the dwelling would be marginally lower and the side elevation would be further away from the bungalow to the west than originally approved. There is therefore not considered to be a material overbearing or overshadowing impact as a result of the proposed changes. The removal of the rear balcony will arguably improve the privacy at the end of neighbouring gardens.

The visual appearance of the dwelling when viewed from the front is not significantly different to that previously approved.

The proposed sun room to the rear is of a size that would normally be allowed under permitted development rights, and the window facing east would be high level, thus there are no material concerns in this regard.

Parking provision is not adversely impacted.

Overall, the proposed alterations are considered acceptable in planning terms.

Planning Balance

It is not considered that the proposed alterations will materially impact the character and appearance of the area nor residential amenity. The proposal is therefore in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

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.

Conclusion

The recommendation is for a delegated approval.