

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H18-0332-24 **Applicant:** R Hook
Proposal: Details of boundary treatments (Condition 2 of H18-1068-23)
Location: Rear Of 2 Wharf Street Sutton Bridge Spalding
Terminal Date: 7th June 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving well-designed and beautiful places

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

This is a discharge of conditions application which seeks the discharge of condition 2 of H18-1068-23.

Condition 2 - Privacy Screen

The conditions states *Prior to the first occupation of the dwelling details of a privacy screen installed along the ramp of the western elevation shall be submitted to and agreed in writing with the Local Planning Authority. The screen shall be set at a height that would mitigate any undue overlooking into the rear of properties fronting Custom House Street. Once agreed the screen shall be constructed within 3 months in accordance with the submitted details and retained in that manner thereafter.*

Condition 4 was originally proposed for discharge however this is a compliance condition and cannot be discharged and has subsequently been removed from the proposal title.

Site Description

The site is within defined settlement limits of Sutton Bridge located behind dwellings fronting Wharf Street and Custom House Street, this area is home to a broad housing mix including terrace properties as well as detached dwellings, to the east the residential development of Garners Wharf represents an adaptive reuse project that is located in behind closed gates. The application site is accessed through an alley between dwellings fronting Wharf Street and Garners Wharf.

The dwelling is already built out and made up of a multi-finish facing brick, grey roof tiles, anthracite UPVC opening and solar panels on the roof. Ramp access points are already laid and created as is the internal roof conversion complete with roof light.

The site is in Environment Agency Flood Zone 3, and in a "Danger for All" hazard area with a predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping.

History

H18-1068-23 - Erection of dwelling and garage (retrospective) - previously approved under H18-0865-22. Approved 24-01-24

Consultation Responses

None

Planning Considerations

The applicant has provided plans (4034-22 02C) showing a 3m fence located along the western boundary. This removes the need for a screen to be placed on top of the ramp, but given its proximity to the ramp does form a screen. From site visit it was clear that the height of the fence at 3m would remove any levels of unacceptable overlooking across neighbouring properties.

Therefore, on the basis that the boundary is now 3m in height this condition can be discharged as unacceptable impact relating to intrusion have been resolved. Furthermore, given the location of the fence there is limited character impacts. Also, the fence is due east of the neighbour meaning that overshadowing would only occur in the earliest parts of the day. The dwelling itself is located close to the boundary and so the effect of the fence in this regard (as well as overbearing) would have a limited impact above what already occurs from the siting of the dwelling.

Conclusion

Condition 2 of H18-1068-23 is hereby discharged.

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.