

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H18-1032-22 **Applicant:** Mr J Mann

Proposal: Change of use of land to incorporate within residential curtilage - retrospective

Location: Land Between 37 & 39 Falklands Road Sutton Bridge Spalding

Terminal Date: 22nd 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. Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks partly retrospective planning permission for the change of use of land to extend the residential curtilage of 37 Falklands Road, Sutton Bridge, Spalding. It is proposed to plant additional boundary landscaping in line with the existing dwelling, with the erection of a 0.9m (3ft) high picket fence to the front boundary as per correspondence received on

01 December 2022.

Site Description

The application site lies to the western side of Falklands Road, Sutton Bridge. The site is located within a residential area and is surrounded by dwellings of varying designs to the north, east and south with open fields which is an allocated site to the west.

History

No relevant planning history.

Consultation Responses

Parish Council Comments

The Parish Council believes this to be an inappropriate land grab of previously open land.

Cllr Brewis

This area of land, and a portion already enclosed by 37, was an open area within the development, and is, I believe, in no way part of the curtilage of 37, Falklands Road. The original planning consent in the 1980s/1990s should make its status clear.

South Holland Internal Drainage Board

No objections subject to compliance with the board's byelaws.

Planning Considerations

Principle of Development

The site is within the settlement boundaries of Sutton Bridge as set out in the South East Lincolnshire Local Plan (SELLP), 2019. It should also be noted that the site is not designated as open space in the Local Plan. Given the application site is within the settlement boundary of Sutton Bridge and the site is not designated as open space in the Local Plan, residential development of the site would, in principle, be acceptable.

Impact upon character of the local area

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 establishes that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting, 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 proposed site is to the side of the existing dwelling. As such, the proposed extension of land to residential is open to public view and visible from the highway. That being said, the proposed landscaping and 0.9m high picket fence to the front boundary are not at odds with the existing street scene. There are several different boundary treatments along Falklands Road including picket fences, and that extend up to the footway. It is therefore considered that the proposed change of use of land to extend the residential garden at 37 Falklands Road would not be a prominent or visually intrusive addition and would not cause an adverse impact to the character or appearance of the area. Taking the above into account, the proposed development complies with the aforementioned policies.

Residential Amenity

It is not considered that the change of use of this land to be included within the curtilage of 37 Falklands Road would have a detrimental impact on existing neighbouring residents. No objection has been received during the neighbour consultation of this application.

For these reasons, the proposals ensure good residential amenity which is one of the key principles

of design and development management as set out in Policies 2 and 3 of SELLP (2019).

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 proposed change of use for the land to extend the residential curtilage of 37 Falklands Road will 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

Taking into account the considerations above, the proposal is considered to comply with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019 and Section 12 of the National Planning Policy Framework (NPPF), 2019.

It is accordingly recommended to approve this planning application via delegated powers.

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.