

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H19-1062-22 **Applicant:** Mr J Plater

Proposal: Extension to existing bungalow and creation of first floor in roof space.
New double garage with loft storage above approved under H19-0907-20.
Modification of Condition 2 to allow amendments to previously approved plans.

Location: Sunleigh 125 Lutington Gedney Hill

Terminal Date: 27th December 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 12- Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Proposal is for an extension to the existing bungalow and creation of first floor in roof space, along with a new double garage with loft storage above. The proposal was originally approved under H19-0907-20. The application is for the modification of Condition 2 to allow amendments to previously approved plans. The changes to the original approved plans are minor, involving, predominately,

internal changes to the positioning of walls of less than 100mm. A reduction in the extension of the north-west dining room wall of 80mm is the only external change to the original approved plan.

Site Description

The property is a bungalow built in the 1970s located on a minor road to the east of Gedney Hill. The road has a scattering of properties on it, with significant space between dwellings. The development lies approximately 750m outside of Gedney Hill's settlement boundaries as shown in the South-East Lincolnshire Local Plan (SELLP), and therefore, should be considered within the countryside. The property is surrounded by agricultural land. A drain runs along the eastern boundary of the property.

Relevant History

H19-0907-20- Extension to existing bungalow and creation of first floor in roof space. New double garage with loft storage above. Approved 30/11/22.

Consultation Responses

No consultation responses received.

Planning Considerations

Principle

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 proposal will therefore be assessed on this basis.

The site is located outside of the settlement boundaries outlined in the SELLP 2019 and should therefore, be considered in the open countryside. Paragraph 3.2.15 of the SELLP highlights the additional considerations designers must take with regards to countryside developments. However, as this is a S73A application, the importance of this consideration is minor.

Layout, Design, Size, and Scale

Policies 126, 127 and 130 of the National Planning Policy Framework (NPPF), establishes that developments must function well and add to the overall quality of the area. Designs must be sympathetic to the character of the local area and not create a jarring visual contrast. Developments should improve the quality of life and amenities for current and future residents.

Similar policy is seen in the SELLP, specifically Policies 2 and 3. A development will be permitted when considerations are met in relation to size, scale, layout, density, and impact on the amenity. Policy 3 goes on that to establish 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.

As the amendments to the previously approved design are incredibly minor and predominantly internal, similar considerations, with regards to scale, can be considered as with the original proposal. The change in the north-west exterior wall of the dining room is insignificant, and therefore, will have little impact on the residents or neighbours.

Visually, the amended proposal is in keeping with the original design. Currently the property is still under construction, so limited comments can be drawn from present appearance. The existing brickwork will be rendered in white on all elevations. The existing clay tiles will be replaced for faux blue slate. White UPVC will be replaced for identical material but in grey. In contrast, facing brickwork is proposed for the detached garage. The proposed material schedule will significantly upgrade the appearance of the dwelling without harming the character of the area. The few properties in the vicinity were individually designed and there is no well-defined pattern of appearance.

In light of the above, the amendments are considered to be acceptable on character/design grounds and in accordance with Policies 2 and 3 of the SELLP, 2019 in this regard.

Impact Upon Residential Amenity

As there is no modification to the height of the extension, and the space between the property and its' neighbours is significant (approximately 100 metres to the southern property and 75 metres to the northern property), there should be no issues with regards to overlooking. There is a series of trees and shrubbery at the property's boundaries, further preventing overlooking.

Due to the reasons stated above, the proposal is still in keeping with policies 2 and 3 of the SELLP.

Planning Balance

The amendments to the previously approved plans 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 the aforementioned policy.

Conclusion

In light of the considerations above the proposed modification is considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and of Section 12 of the National Planning Policy Framework (2021). The recommendation is therefore for a delegated approval.

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.