

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H20-0338-22 **Applicant:** Mr T Griffith

Proposal: Replacement dwelling approved under H20-0733-15 - retrospective. Modification to allow amendments to previously approved plans, including removal of chimney stacks.

Location: Zion House Broadgate Road Sutton St James

Terminal Date: 24th May 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
22	Replacement Dwellings in the Countryside

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 12. Achieving well-designed places.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Planning permission was granted for the erection of a replacement dwelling and detached triple

garage in October 2015 (ref. H20-0733-15). Work subsequently commenced and has now reached the practical completion stage. However, it is not wholly in accordance with the approved plans, including omission of the chimney stacks and alterations to the front door, windows/arches and fenestration on the rear elevations. This application is to regularise matters.

It should be noted that an application (ref. H20-1239-19) was approved in February 2020 to alter the position of the triple garage and access. However, the applicant is no longer pursuing this option.

Site Description

The site is located to the south of Sutton St James on the western side of Broadgate. The replacement dwelling is practically complete.

An existing commercial building is located in the southern corner of the site and a dwelling to the south-west.

Consultation Responses

Sutton St James Parish Council

No response.

North Level IDB

No comments.

Planning History

H20-0104-15 - Full - Replacement dwelling - Refused 26 May 2015. Dismissed on appeal 5 January 2016.

H20-0733-15 - Full - Replacement dwelling - Granted 13 October 2015.

H20-1154-18 - C/C - Details of external materials, landscaping, etc - Granted 5 March 2019.

H20-1239-19 - Full - Erection of replacement dwelling and detached garage (part retrospective) - Granted 3 February 2020.

Planning Considerations

Planning permission has previously been granted for the erection of a replacement dwelling and detached triple garage (ref. H20-0733-15). This application is to modify the approved plans, including omission of the chimney stacks and alterations to the front door, windows/arches and fenestration on the rear elevations.

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.

Policy 22 of the South East Lincolnshire Local Plan, 2019 indicates that proposals for the erection of replacement dwellings outside defined settlement boundaries will be permitted provided that:

1. the residential use of the building to be replaced (the original building) has not been abandoned;
2. the original building is permanent, has not become derelict and is not the result of a temporary permission;
3. the original building is not of architectural or historic merit and is not capable of repair;
4. the replacement building is of a high standard in terms of architectural detailing and materials of construction;
5. the replacement building is positioned on a similar footprint to the original building unless it can be demonstrated that the re-positioning would have beneficial impacts such as improving the character and appearance of the site and its locality; and
6. the replacement building does not exceed the floor area of the original dwelling by more than 40%, unless the development is of exceptional quality or innovative in nature in terms of its design, use of materials and levels of energy efficiency.

The principle of a replacement dwelling has been established on this site. The determining issue, therefore, is whether the proposed revisions to the design/appearance of the dwelling are acceptable

Policies 2 and 3 of the SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 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.

The design of the original property was based on a modern interpretation of a 19th century farmhouse, with contemporary features at the rear. Whilst the front elevation has lost some of its traditional architectural detailing it still has some features of merit and very loosely reflects a traditional farm building in terms of form.

Planning Balance

Whilst the original design was of a higher specification it is nevertheless considered, on balance, that there is not sufficient reason to refuse the application on grounds the building would materially harm the character or appearance of the countryside. As such it doesn't materially conflict with the aims and objectives of Policies 2, 3 and 22 of the SELLP.

Conclusion

The planning balance lies in favour of the proposal for the reasons outlined above.

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.

Recommendation

That the application be granted under delegated powers.