DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H21-0151-21**	**Applicant:**	**Mr & Mrs Barnacle**
Proposal:	Proposed Conservatory		
Location:	2 Willows Close Tydd St Mary Wisbech		
Terminal Date:	9th April 2021		

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 2019

Section 12. Achieving well-designed place

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a householder planning application that seeks permission for proposed conservatory at 2 Willows Close, Tydd St Mary, Wisbech

Site Description

The site is within the built-up area of Tydd St Mary. The area is purely residential. A grid of cul-de-sac streets and narrow roads reveal the suburban character of the area.

The site is a corner plot that is onto the highway junction between Willows Close (north) and Low Gate (west). The dwelling is a bungalow probably built circa 1980s. The residential building is set at

angle and oriented north-westwards.

A tall and mature conifer enclose the garden and obscure views from the roads. Low dense planting is onto the footpath adjoining the highway curve which ease the visibility of the plot from the roads. The vehicular access is Willows Close ands lead to a slabbed drive area to the front of the dwelling. The remainder of the land is laid in lawn.

History

H21-0449-98 - Extension to replace conservatory - Approved

Consultation Responses

Tydd St Mary Parish Council

No objection.

North level IDB

No objection.

Planning Considerations

Principle of development

The site is within the settlement boundaries of Tydd St Mary as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Irrespective of spatial strategy considerations, the principle of developing a conservatory that is incidental to the enjoyment of a dwelling is acceptable.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 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. Policies 2 and 3 of 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.

The conservatory is intended to be used as a walled front porch. The footprint of the dwelling has a L shape and the development would be positioned on the corner of the gap adjoining the living room and an ensuite.

It would measure 2.40 x 1.75 metres. The maximum height is 3.20 metres. Having regard to the dimensions of the bungalow, it is concluded that the proposal would be clearly subservient to the host property in terms of scale, mass and bulk.

The conservatory would be of an Edwardian style. The roofed would be gable fronted. The roof tiles would be matching the existing. The structure would be also heavily glazed. The joinery would be in Anthracite Grey UPCV which would contrast with the White UPVC across fenestration in the bungalow. This new colour is not considered to harm any visual balance but provide further variety to the appearance of the entire building.

Residential amenity

Paragraph 127 of National Planning Policy Framework (2019) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The scale and height of the development is clearly subservient. By reason of position, no relationship exists with any adjoining property. Furthermore, the bulk of the conservatory would not encroach onto the adjacent windows, one of them for the living room. The enjoyment of daylight is therefore ensured.

In summary, the proposal would not entail any harm upon the resident amenity of the bungalow occupiers nor residents of neighbouring properties.

Planning balance

The principle of developing a conservatory is acceptable for the enjoyment of a residential property.

The scale and height is clearly subservient to the host property. The appearance is appropriate in light of the nature of the development. No unduly harm is anticipated in residential amenity terms.

On balance, no adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

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.

Taking into account the above, this application accords with Policies 1, 2 and 3 as well as Section 12 of National Planning Policy Framework (2019).

Accordingly, it is recommended to approve this 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.