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PE11 2XE
Admin 01775 764723
DC Officers 01775 764703
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M Watson
13 Wimberley Way
Pinchbeck
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Lincolnshire
PE11 3RY

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H23-0842-20 **Date of Decision:** 3rd February 2021

Applicant: Mr & Mrs P Walton
Dale Cottage
9 Mill Lane
Whaplode
Spalding
PE12 6TP

Location: Dale Cottage 9 Mill Lane Whaplode Spalding

Description: Proposed single storey/first floor extensions to dwelling

South Holland District Council hereby give notice that this application has been REFUSED for the above proposal for the following reason(s):

1 The proposals would obstruct daylight on the rear garden of the adjoining dwelling of Oak Cottage (7 Mill Lane) to the detriment of the residential amenities this dwelling has a right to enjoy.

The rear-to-rear separation distance between the two-storey element and No. 6 Middle Road is not significant insofar as there would be overlooking effect between first-floor windows, however the two-storey bulk of the proposals would exacerbate a sense of enclosure especially when occupiers of No. 6 Middle Road enjoyed the rear garden where the proposed extension is adjoining.

For the reasons outlined above the proposals contravene Policies 2 and 3 of South East Lincolnshire Local Plan (2019) which set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions. They also fail to comply with Paragraph 127 of National Planning Policy Framework (2019) which seeks places with a high standard of amenity for existing and future users.

2 The proposals would increase the number of bedrooms from 3 to 4. No details of car parking arrangements have been submitted. It is unknown how further demand on car parking might be met with appropriate space provision within the curtilage.

Therefore, the proposals fail to comply with Appendix 6 of South East Lincolnshire Local Plan (2019) which establishes minimum parking standards for new development. In particular, 3 spaces should be ensured within the curtilage for dwellings with 4 or more bedrooms.

Notes:

The determined plans are:

578/1/2020
578/LP/BP/2020
Application Form



Phil Norman
Planning and Building Control Manager
South Holland District Council

BUILDING REGULATIONS:
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planning inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**.

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the

Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.