DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0920-22**	**Applicant:**	**Mr & Mrs D Moore**
Proposal:	Extension & Alterations - approved under H23-0605-22. Modification of Condition 2 to allow amendments to previously approved plans (part-retrospective)		
Location:	Charmar Cranesgate South Whaplode St Catherine		
Terminal Date:	10th November 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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	0	0	0	0
WARD MEMBER	0	0	0	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Section 73 of the Town and Country Planning Act 1990 allows the variation or removal of conditions associated with a planning permission. Under this Section, this planning application seeks to modify condition 2 of planning permission H23-0605-22 to allow increase in the roof height from 2.6 metres to 2.8 metres (overall height including the roof lantern would remain at 3.2 metres) and addition of 2no high level windows in the side elevations.

The original application was for demolition of the existing conservatory to the rear and erection a single storey extension to create a kitchen and to convert the existing kitchen into a family room. The extension measured 3.6 metres (depth) x 6 metres (width), standing at 2.6 metres in height (3.3 metres including roof lantern). The external materials were proposed to match the existing dwelling.

Site Description

The site comprises a two storey link attached dwelling located on Cranesgate South in Whaplode St Catherine. The dwelling is red brick built and has brown door/window frames. There is a single attached garage to the side which is attached to the neighbour's garage. The front garden is part lawn and part gravel, providing of-street parking provision for at least 3no vehicles. A small conservatory is located at the rear. The rear garden is enclosed by a mixture of fencing and hedging.

History

H23-1003-22 - Boiler Flue and Underground Gas Tank - Pending consideration

H23-0605-22 - Extension & Alterations - re-submission of H23-0038-22 - Approved

H23-0038-22 - Extension and alterations - Approved

Consultation Responses

Residents

One letter of objection has been received from a neighbour siting the following concerns:

-Discrepancy on the application form as the development has already been completed
-Loss of light and overshadowing to the window nearest to the application property and the patio area
-Overlooking and loss of privacy from the window in the side elevation

Planning Considerations

Design and layout

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 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 footprint of the extension is the same as previously approved. The only changes are a minor increase in the height of the roof from 2.6 metres to 2.8 metres and the addition of two high level windows in the side elevations. Given the siting of the extension to the rear of the site it would not be visible from the main public realm. There may be glimpsed views from the open countryside to the rear, given the extension would be sited at least 15 metres from the rear boundary it would not appear overly prominent. In any case the proposed changes are considered minor and do not significantly alter the overall appearance of the previously approved extension.

As such the development is considered acceptable in terms of its impact on the character of the existing dwelling and the wider area therefore it accords with Policies 2 and 3 of the SELLP and the NPPF.

Residential amenity

Paragraph 130 of National Planning Policy Framework (2021) 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 attached neighbour to the north at Dunburnin has objected to the proposal on grounds that it

would result in loss of light and overshadowing, overlooking and loss of privacy and that there is a discrepancy on the application form as development has already been completed. The concerns are noted, however, it is not considered that the development results in any unacceptable impact on neighbouring amenity. The proposed extension (as per the previously approved extension) would be sited approximately 2.9 metres from the shared boundary with this neighbour. This separation distance is considered sufficient as to not result in any overbearing impact or unacceptable overshowing. Given its single storey nature and limited height the proposed development would not result in any significant overshadowing on this neighbour. The minor increase in the height of the extension is not considered to unacceptably increase overshadowing. One kitchen window is proposed in the side elevation facing this neighbour, however, there would not be any prominent views from this as it is a high level window. In addition, the applicant could erect a single storey extension (slightly smaller) with a window in the same position under permitted development therefore this element could not reasonably be resisted. As such the impact on this neighbour is considered to be within acceptable tolerances. With regards to concerns that the extension has already been completed, this is noted and the agent has clarified that works have commenced but not yet completed and the application seeks part-retrospective permission.

With regards to the neighbour to the south at Highgrove the proposed extension would be sited close to the shared boundary with this neighbour, same as the previously approved plans. However, given it would only extend approximately 1 metre from the rear elevation of this neighbour, it would not appear overbearing or result in any unacceptable overshadowing. The minor increase in the height of the extension is not considered to unacceptably change the relationship with this neighbour. The majority of the extension would be blocked by the existing fence/hedge along the shared boundary and only a small section of the extension would be visible to this neighbour. The proposed window in the side elevation would be high level therefore there would not be any unacceptable overlooking or loss of privacy.

As such the proposals are not considered to unacceptably harm the residential amenity of adjacent neighbours by reason of unacceptable overshadowing or overlooking and therefore complies with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Planning Balance

The proposal will not materially harm the character or appearance of the locality or the amenity of nearby residents. 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 2 and 3 of South East Lincolnshire Local Plan (2019) as well as Section 12 of National Planning Policy Framework (2021).

Accordingly, it is recommended to approve this application via delegated powers.

Additional Considerations

None.

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

The application can be approved under delegated powers.