

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-1003-22 **Applicant:** Mr & Mrs D Moore
Proposal: Boiler flue and underground gas tank (retrospective)
Location: Charmar Cranesgate South Whaplode St Catherines
Terminal Date: 9th December 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
30 Pollution

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking retrospective permission for a boiler flue to the side of the house and an underground gas tank in the front garden.

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.

RELEVANT PLANNING HISTORY

H23-0920-22 - Extension & Alterations - approved under H23-0605-22. Modification of Condition 2 to allow amendments to previously approved plans (part-retrospective) - Approved

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

H23-0038-22 - Extension and alterations - Approved

REPRESENTATIONS

Whaplode Parish Council

Supports the application.

SHDC Environmental Health

No objections.

Resident

One letter of objection has been received from the adjacent neighbour at Dunburnin siting the following concerns:

- The flue and gas tank have already been installed
- Fumes/vapours from the flue flow towards this neighbours window
- The underground gas tank has not been installed as per the submitted specification

PLANNING CONSIDERATIONS

Layout, Design, Scale and impact on the character of the area

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 proposal is considered minor and would not unacceptably change the overall appearance of the site. The flue is relatively small and there is not any prominent view from the public realm. The gas tank is underground therefore it is not visible. As such the impact on the appearance of the site/area is negligible.

Given the above the development is considered acceptable in terms of its impact on the character of the existing dwelling and the area and therefore accords with Policies 2 and 3 of the SELLP and the Section 12 of the NPPF.

Impacts upon 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. Furthermore Policy 30 states development proposals will not be permitted where they would lead to unacceptable adverse impacts by way of noise.

The neighbour to the north at Dunburnin has raised concerns of fumes/vapours from the flue flowing towards their window. The concerns are noted, however, given the flue would be located at least 4.6 metres from this neighbour window in the side elevation it is not considered to unacceptably impact this neighbour. In addition, the flue can be installed under permitted development therefore this element cannot reasonably be resisted. With regards to the gas tank given this would be underground it would not be visible to any neighbours therefore no impact would result from this on neighbouring amenity. In addition, Environmental Protection has not raised any objections to the proposed scheme.

As such the proposal accords with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2, 3 and 30 of South East Lincolnshire Local Plan (2019).

Other matters

The adjacent neighbour at Dunburnin has raised concerns that the flue and gas tank have already been installed without planning permission and that the underground gas tank has not been installed as per the submitted specification. The concerns are noted and it is accepted that the application is retrospective. The agent has advised that the applicant was not aware the works required planning permission. With regards to concerns of the gas tank not being installed correctly, this is something that would be checked by Building Control to ensure it is installed safely and is not something the planning application could be resisted based on.

Planning Balance

The proposal will not materially harm the character or appearance of the area or result in neighbouring amenity issues. The planning balance is therefore considered to be in favour of the proposal.

CONCLUSION

In light of the considerations above, the proposal is considered to be in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (2021).

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

The application can be approved under delegated powers.