



Planning Committee

23 October 2025

S25/1301

Proposal	Section 73 application for the removal of Condition 4 (Obscure glazing) following planning permission S25/0588
Location	The Conifers, School Lane, Old Somerby, Lincolnshire, NG33 4AQ
Applicant	Mrs A Selby
Agent	Mr Simon Webb
Reason for Referral to Committee	Applicant is a relative of Councillor
Key Issues	Impact on neighbouring amenity

Report Author

Adam Murray – Principal Development Management Planner

01476 406080

adam.murray@southkesteven.gov.uk

Corporate Priority:	Decision type:	Wards:
Growth	Regulatory	Lincrest

Reviewed by: Phil Jordan, Development Management & Enforcement Manager 14 October 2025

Recommendation (s) to the decision maker (s)

To authorise the Assistant Director – Planning & Growth to REFUSE planning permission



Key

Application
Boundary

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1 Description of Site

- 1.1 The existing property is a detached one-and-a-half-storey dwelling, situated on School Lane, Old Somerby.
- 1.2 The application site is surrounded by dwellings of varying scales and designs, with open countryside to the north.

2 Description of the proposals

- 2.1 Section 73 application for the removal of Condition 4 (Obscure glazing) following planning permission S25/0588.
- 2.2 The proposal seeks to remove the obscure glazing window condition from the side elevation.

3 Planning Policies and Documents

3.1 South Kesteven Local Plan 2011-2036 (Adopted January 2020)

- Policy SD1 – The Principles of Sustainable Development in South Kesteven
- Policy DE1 – Promoting Good Quality Design

3.2 Design Guidelines Supplementary Planning Document (Adopted November 2021)

3.3 National Planning Policy Framework (Published December 2024)

- Section 9 – Promoting Sustainable Transport
- Section 12 - Achieving well-designed and beautiful places

4 Representations Received

4.1 Old Somerby Parish Council

- 4.1.1 After a discussion, it was unanimously agreed by the Old Somerby Parish Council to instruct their Clerk to inform the SKDC Planning Dept that they strongly oppose the application to remove the condition relating to obscure glazing. In their opinion the Condition was imposed for good reason – that is to protect the privacy of the occupiers of the neighbouring property referred to in the Grant. There is absolutely no reason to change it.

4.2 Lincolnshire County Council (Highways and SuDS)

- 4.2.1 No Objections
- 4.2.2 Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

5 Representations received as a result of publicity

5.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and two letters of representation have been received.

5.2 The points raised can be summarised as follows:

2x Objections:

1 Reduce privacy to neighbouring dwelling

2 Side window is positioned higher than neighbouring fence

6 Evaluation

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority (LPA) makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. In this case, the Development Plan comprises of the following documents:

- South Kesteven Local Plan 2011-2036 (Adopted January 2020); and

6.2 The Local Planning Authority also have an adopted Design Guidelines Supplementary Planning Document (SPD) (Adopted November 2021) and this document is a material consideration in the determination of planning applications.

6.3 The policies and provisions set out in the National Planning Policy Framework (NPPF) ("the Framework") (Published December 2024) are also a relevant material consideration in the determination of planning applications.

6.4 Principle of Development

6.4.1 The proposal relates to the removal of Condition 4 (Obscure glazing) following planning permission S25/0588. This proposal is considered to be acceptable in principle and in accordance with Policy SD1 (Principles of Sustainable Development in South Kesteven) of the adopted Local Plan subject to assessment against site specific criteria. These include the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, and impact on highway safety, which are discussed in turn as follows.

6.5 Impact on the character and appearance of the area

6.5.1 The proposed removal of Condition 4 (Obscure glazing) to the side elevation would have minimal impact on the character and appearance of the area. The window would not be visible from the streetscene and would therefore not impact upon the character and appearance of the area.

6.5.2 By virtue of the siting and materials to be used, the proposal would be in keeping with the host dwelling, street scene and surrounding context in accordance with the NPPF Section 12, Policy DE1 of the Local Plan, and the Old Somerby Neighbourhood Development Plan.

6.6 Impact on neighbourhood amenity

6.6.1 The proposal would see the removal of an obscure glazing window condition to the side elevation of the approved rear extension, facing Shamrock, School Lane.

- 6.6.2 The rear extension sits approximately 4.9 metres from the shared boundary fence between the site and neighbouring dwelling. The boundary features a fence of 1.8 metres in height, and shrubbery on the neighbouring dwelling side.
- 6.6.3 The Local Planning Authority have previously considered the proposed development under application ref: S25/0588. As part of the determination of this application, the Local Planning Authority deemed it to be necessary to impose conditions requiring the condition to the side elevation to be obscure glazed in order to prevent overlooking of the neighbouring property.
- 6.6.4 The current application seeks the removal of this condition. However, the Local Planning Authority notes that there has been no material change in circumstances which would justify the removal of the condition that was previously deemed to be necessary.
- 6.6.5 Taking the above into account, it is the Local Planning Authority's assessment that there have been no material change in circumstances since the previous assessment of the application, such that removal of the condition has not been justified. As such, the proposed application would result in an unacceptable adverse impact on neighbouring amenity contrary to Policy DE1 of the adopted Local Plan.

6.7 **Impact on Highways**

- 6.7.1 Paragraph 116 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.7.2 The proposal does not have an impact on the Public Highway and as the Lead Local Flood Authority, they have made no objections.
- 6.7.3 The proposal would result in adequate access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with the NPPF Section 9.

7 **Crime and Disorder**

- 7.1 It is concluded that the proposals would not result in any significant crime and disorder implications.

8 **Human Rights Implications**

- 8.1 Article 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is concluded that no relevant Article of that Act will be breached in making this decision.

9 **Planning Balance and Conclusion**

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.
- 9.2 The application proposal involves a domestic extension, which is acceptable in principle, in accordance with Policy SD1 of the adopted Local Plan, subject to material considerations.
- 9.3 The current application seeks the removal of Condition 4 (Obscure glazing) of planning permission S25/0588.
- 9.4 In this case, it is the Local Planning Authority's assessment that there has been no material change in circumstances since the previous assessment of the application, such that removal of the condition has not been justified. As such, the proposed application would

result in an unacceptable adverse impact on neighbouring amenity contrary to Policy DE1 of the adopted Local Plan. There are no material considerations to indicate that planning permission should be granted contrary to the Development Plan.

10 Recommendation

10.1 To authorise the Assistant Director – Planning & Growth to REFUSE planning permission for the following reasons:

(1) It is the Local Planning Authority's assessment that there has been no material change in circumstances since the previous assessment of the application, such that removal of the condition has not been justified. As such, the proposed application would result in an unacceptable adverse impact on neighbouring amenity contrary to Policy DE1 of the adopted Local Plan. There are no material planning considerations to indicate that planning permission should be granted contrary to the adopted Development Plan.

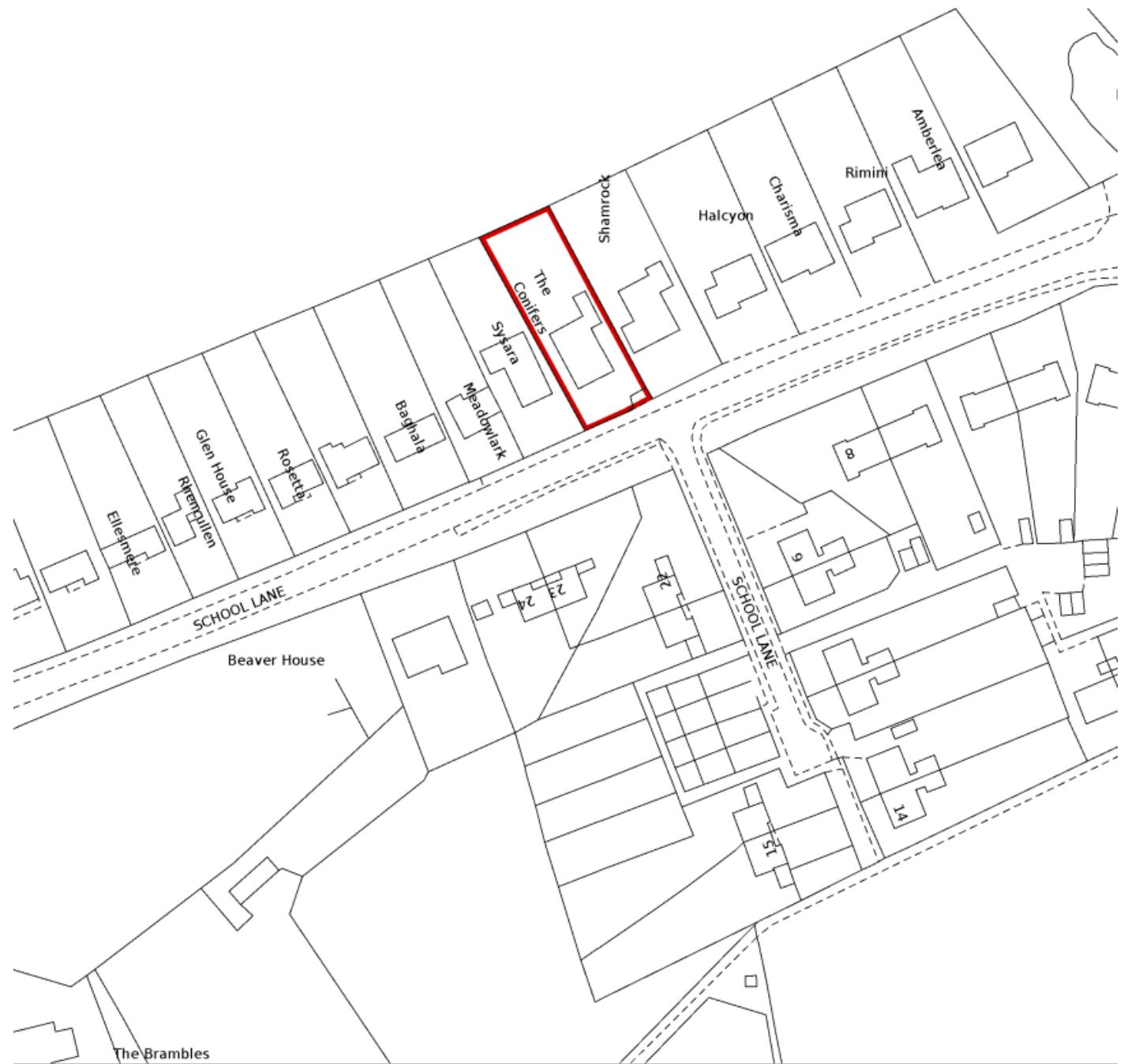
Site Location Plan

HM Land Registry
Current title plan

Title number **LL355385**
Ordnance Survey map reference **SK9533NE**
Scale **1:1250 enlarged from 1:2500**
Administrative area **Lincolnshire : South**
Kesteven



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Approved Plans and Elevations

