



# B O S T O N

## BOROUGH COUNCIL

Municipal Buildings, West Street, Boston, Lincolnshire, PE21 8QR

### Town and Country Planning Act 1990

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#### APPLICATION DECISION NOTICE

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#### Application Reference: B/23/0088

Applicant: Mr M Narbutas  
2 Thorold Street  
Boston  
PE21 6PH

Agent: Mr Nick Overton  
NiCAD Consultancy Services Ltd  
The Hollies  
Thornimans Lane  
Frampton  
Boston  
PE20 1AJ

In pursuance of the powers exercised by it as Planning Authority, Boston Borough Council, having considered your application to carry out the following development:

**Application under s73 for the variation of Condition 3 (Removal of permitted development rights for extensions and roof lights) to non-openable roof lights of permission B/13/0033 at 3, Old Mill Court, Boston PE21 7QZ**

And in accordance with this notice and the particulars given in the application, do hereby give notice of its decision to **GRANT Full Planning Permission** for the said development subject to **compliance with the following condition(s)**:

1. The development hereby permitted shall be carried out in strict accordance with the application received 14 Jan 2013 and 28 February 2023 and in accordance with the associated plans as amended:
  - Landscape Details, received 16.01.2013
  - Layout Plan, Received 14.01.2013
  - Proposed Elevations, Drawing No. 22/SL/03, Dated December 2022

Reason: To ensure the development is undertaken in accordance with the approved details and to accord with Policies 2 and 3 of the South East Lincolnshire Local plan (2019).

2. The development permitted by this planning application shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) undertaken by White Lodge and dated August 2009. In particular, the finished floor levels shall be set at 2.95 metres above Ordnance Datum.

Reason: To reduce the risk and impact of flooding on the development and in accordance with Policy 4 of the South East Lincolnshire Local plan (2019).

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out:

- The erection of house extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;
- Roof lights installed within the southern, eastern or western elevations.

Reason: To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity, levels of residential amenity and the visual amenity and character of the rural area within which it is set in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

4. All landscape details shown on drawing ref: 'Landscape Details' 1:200 shall be carried out in accordance with the approved details within 6 months of the date of the first occupation of any building or completion of the development; whichever is the sooner. Any trees, plants, grassed areas which within a period of 5 years from the date of planting die are removed or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size, species or quality.

Reason: To ensure that the development is adequately landscaped, in the interests of visual amenity and character in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan (2019).

5. The development shall be undertaken in strict accordance with drawing 22/SL/03 Proposed Elevations and the roof lights shall be non-opening and retained as such in perpetuity.

Reason: In the interests of residential amenity in accordance with Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

**Date: 16-May-2023**



**Mike Gildersleeves**

**Assistant Director – Planning & Strategic Infrastructure**

**Boston Borough Council, East Lindsey District Council and South Holland District Council**



## TOWN AND COUNTRY PLANNING ACT 1990

### 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 to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- **If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice**, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- **If an enforcement notice is served relating to the same or substantially the same land and development as in your application** and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- **Householder applications** - if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice. Further information is available at [www.gov.uk/appeal-householder-planning-decision](http://www.gov.uk/appeal-householder-planning-decision)
- **Minor commercial applications** - if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- **All other decisions – Full Planning Permission** - if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice. Further information is available online at [www.gov.uk/appeal-planning-decision](http://www.gov.uk/appeal-planning-decision).
- Appeals can be made online at [www.gov.uk/planning-inspectorate](http://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 a development order.
- **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@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [www.gov.uk/government/collections/casework-dealt-with-by-inquiries](http://www.gov.uk/government/collections/casework-dealt-with-by-inquiries)
- **Proposed Demolition** - The provision of Section 80 of the Building Act 1984 require that anyone who intends to demolish a building or structure shall give notice to the Council's Building Control department (01205 314295) beforehand, and work shall not commence until the Local Authority has given Notice under Section 81, or the relevant period of 6 weeks has expired.
- **Before you dig** – we recommend that you use the Free Enquiry service – [www.LSBUD.co.uk](http://www.LSBUD.co.uk) – this site allows you to submit enquiries about activities and work that you are planning, which may have an impact on National Grid Gas and Electricity Transmission Network and other utilities.

THE IS A LEGAL DOCUMENT – PLEASE RETAIN IN A SAFE PLACE, PREFERABLY WITH YOUR DEEDS

