

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H01-0687-22	Applicant:	J Waters & S Warren
Proposal:	Proposed detached garage & new frontage wall		
Location:	6 Stone Gate Cowbit Spalding		
Terminal Date:	7th September 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

Section 12- Achieving well-designed places.
Section 16- Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application, seeking permission for a proposed detached garage and new front boundary wall at 6 Stone Gate, Cowbit.

Site Description

The detached property is situated within the settlement of Cowbit, and within frontage residential development. The dwelling is set well back from the road, with a substantial large gravelled front garden and driveway, with a 1m high picket fence as the front boundary treatment.

To the west of the property is a large detached period property, which faces east overlooking Stone Gate. To the east of the site is a large detached bungalow on a similar spacious plot to the application site. Dwellings along this road are of a variety of ages and design and sit on fairly spacious plots, with open fields situated to the north.

To the south of the property is the Grade I listed Church of St Mary and the C of E The Cowbit's St Mary Primary School.

History

No relevant planning history.

Consultation Responses

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

Historic England

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.

Conservation Officer

I wish to object to this proposal on conservation grounds. As a grade I listed property, the adjacent church of St Mary is amongst the very most important listed buildings in the entirety of South Holland. To erect a modern, featureless garage block on the far Southern boundary of the host property's curtilage - abutting the roadway and therefore in the closest possible proximity to the Grade I listed church would be to introduce into this specific setting a feature which is incongruous to the character of the site, and neither better reveals nor preserves the significance of the listed building, as is a requirement for all developments within the setting of a listed building, as outlined in Section A, Para. 3 of Policy 29 of the South East Lincolnshire Local Plan (2019). Furthermore, the adjacent Vicarage can easily be considered to be a non-designated heritage asset and to place a large, roadside structure in the proposed location would undoubtedly impact upon characterful views and therefore the setting of the Vicarage in its context alongside the Grade I listed church, when approaching from the East, representing a further harmful design impact upon the local character and distinctiveness.

To the west of the host property is a large portion of side land which could easily accommodate such a proposed structure in a manner which, akin to the house is drastically set back from the road, therefore, minimising the visual impact upon both the grade I listed building and the associated vicarage. I would suggest that a proposal to place the proposed on that aforementioned side land would be viewed much more favourably from a conservation perspective. However, in this proposal's current format, I must suggest that the officer refuse permission on the above grounds in addition to any other considerations deemed relevant to this case.

Public representations (2 objections)

- Close to a Grade I Listed church and church yard and will substantially change the view of it

- Loss of habitat and nature conservation: The owners have already removed healthy mature trees in order to prepare the site for the building which has resulted in a loss of habitat.
- The large mature trees in the churchyard would fall onto the proposed building
- Changing the character and appearance of the village
- Proposed building use: When the owners bought the property it already had an integral garage. This was then converted to a room within the house. It is unclear what the height dimensions and intentions are for the new building and whether windows will be included.

Planning Considerations

Layout, Design, Size and Scale

Paragraph 130 of the 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; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations. Likewise, Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The proposed detached garage will be situated forward of the principle elevation of the dwelling, adjacent to the highway, and will measure approx. 5.6m by 5.4m, with the garage door opening on the north elevation. It will be constructed of facing brickwork and concrete roof tiles to match existing. A pitched roof will be formed, similar to the existing dwelling.

Concern has been raised regarding the proposed garage being at odds with the character and design of the surrounding area, and the impact it would have on designated and non-designated heritage assets. The garage would be set forward of the dwelling, being sited adjacent to the highway. There are no other instances in the immediate vicinity where garages are sited in such a location and therefore it would be at odds with the existing pattern of development in this respect. Furthermore, it is in very close proximity to the Grade I Listed church to the south and The Vicarage to the west, which can be considered a non-designated heritage asset. Policy 29, Part A, Point 3 in the SELLP, 2019 states that "Proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building". In this case, it does not appear that the proposal would have a positive affect upon preserving or would better reveal the significance of the Listed Building. Rather it would introduce a bland and featureless building in close proximity. Furthermore, it would impact on views of a non-designated heritage asset (The Vicarage) to the west when viewed from the east along Stone Gate. The application is not supported by a Heritage Impact Assessment.

In light of the above, the proposal is considered to be at odds with the surrounding character of the area and will be detrimental to designated and non-designated heritage assets. It is therefore deemed to be contrary to Policies 2, 3 and 29 in the SELLP, 2019 and Sections 12 and 16 in the NPPF, 2021 in visual terms.

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.

Public comments include concerns over windows being included. It is confirmed through the submitted plans that there are no windows proposed to the elevations of the detached garage, apart from a garage door which faces the principal elevation of the dwelling.

Taking the above into account, the proposed detached garage is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity.

Parking Provision

In connection with Policy 36 of the SELLP 2019, Appendix 6 sets out the minimum requirements for car parking. The number of bedrooms of the dwelling has not been provided, however it is clear to

see that within the curtilage at least 3 car spaces are achievable, with an additional car space to the proposed garage.

The Local Highway have not raised any objections in highway terms.

Other Considerations

Public comments raise the issue of loss of habitat due to trees being removed prior to this application being made. Whilst the loss of trees is regrettable, it does not appear that any of the trees removed were protected.

Planning Balance

Therefore, on the grounds of visual amenity, the proposed detached garage would be at odds with the surrounding character of the area. It is deemed to be contrary with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale.

Conclusion

The recommendation is therefore for a delegated refusal.

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 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 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.