

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-0820-23 **Applicant:** Mrs L King

Proposal: Convert existing garage to a habitable sitting room and erect a new brick garage adjacent

Location: 37 Normanton Road Crowland Peterborough

Terminal Date: 30th November 2023

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

02 Development Management
03 Design of New Development

National Guidance**National Planning Policy Framework 2023**

Section 12 - Achieving well designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	1	0
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission to convert the existing garage into a habitable sitting room and the erection of a new steel portal frame garage directly adjacent to the dwelling.

Site Description

The site lies within the defined settlement boundary of Crowland as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). This property is one of two down a small private drive. The majority of these houses are made of red brick with a tiled roof and white uPVC windows and doors. No. 37 is designed as an L shape property with the principal elevation facing towards the fields adjacent to the site and the double garage feature facing towards the road. The open fields to the east of the property is classed as housing allocation within the SELLP and therefore could be developed at a later date.

History

H02-0225-97 - Proposed residential development incorporating provision of incidental open space - Approved

H02-1012-00 - Erection of 114 dwellings, estate roads, P.O.S. & improvements to Clout Drove & demolish existing. workshop - Approved

Consultation Responses

Crowland Parish Council

No objections.

Councillor Harrison

Although the proposed garages appear to be built right up to the boundary, with there being no neighbouring properties, I cannot see any reason to object.

South Holland District Council Environmental Protection

No comments on Amendment 1.

North Level Internal Drainage Board

No objections.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, there has been one letter of representation, the main points of this objection are as follows -

- The proposal will elongate the existing dwelling to a disproportionate form and result in a property of excessive scale and incongruous design
- It uses materials such as a steel portal frame, which are not compatible with the surroundings.
- It therefore causes significant detrimental visual and character impact to the surrounding area and properties.
- The proposal will likely result in further boundary vegetation having to be removed to facilitate the new garage. This will lead to a negative impact upon the local environment and amenity
- The proposed room will directly overlook the shared drive and create a feeling of overlooking onto the adjacent property by inserting new windows into habitable rooms
- There is also the potential for direct overlooking into number 35's habitable windows.
- There is a reasonable concern that the new room, albeit marked in the plans as a sitting room, will in fact be used as an additional bedroom. This will increase the number of residents inhabiting the property, therefore leading to increased pressures in parking
- This additional need, of what will in effect be a 6 bedroom property, will place pressure on what is already a small drive and lead to a detrimental impact upon local parking and amenity

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Planning Considerations

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (2023) specifically relates to 'Achieving well-designed places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 130 of the National Planning Policy Framework (NPPF), 2023 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, that they are visually attractive, as a result of good architecture, and are sympathetic to local character. 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. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

The proposed garage will protrude around 6150mm from the side of the property and will project from the rear by 4390mm with a total length of 10350mm. It will have a total height of approximately 4000mm and the ridge height will be just above the eaves of the existing dwelling. The conversion of the existing garage features no external alterations to the size of the room. The measurements of this garage could be seen as being very large however the house itself is also large and therefore this can be considered as proportionate in relation to the dwelling and will provide adequate space for the residents for storage and vehicle storage.

The garage will have a gable roof similar to the roof design on the dwelling and features a large roller shutter door with light panels just above this. There will be the addition of two new windows on the front elevation where the conversion is taking place to allow for natural light into what will be the new sitting room. At the rear of the garage there are two narrow windows which will be situated just above the average height, a similar thing will be on the side elevation. Finally, at the side of the garage and the rear of the sitting room there will be a set of bi-fold doors to allow for access into the garden. Overall, this design is considered to be acceptable as it will feature a similar roof design to the main dwelling and others in the area.

Finally, the materials that will be used on the development are as follows, the walls shall be made from a matching brickwork to the existing dwelling with the roof being made from interlocking roof tiles which shall also match the existing dwelling. By using similar materials it will ensure that the garage extension is in keeping with the dwelling and therefore not create any visual discrepancies. Prior to these materials being used, the proposed materials were insulated steel cladding for the walls and steel cladding sheets on the roof, to ensure this development could be approved an amendment was suggested by the LPA to change the materials so it matches that of the existing dwelling. It is therefore considered that this development is acceptable and in accordance with Policies 2 and 3 of the SELLP.

Impact on Residential Amenity/Land Users

Paragraph 130 of the National Planning Policy Framework (2023) states that development should 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; and where crime and disorder, and the fear

of crime, do not undermine the quality of life or community cohesion and resilience.

There would be no overshadowing concerns that would arise as a result of this application due to the garage being situated on the opposite side of the dwelling to the nearest neighbour and therefore any shadow that will be cast will be on either the field adjacent to the house or towards the site's own garden.

Certain concerns have been raised through an objection to the application stating that there is the potential for overlooking due to the conversion of the garage to a sitting room. Within the objection it says that 'the proposed room will directly overlook the shared drive and create a feeling of overlooking onto the adjacent property by inserting new windows in habitable rooms'. These proposed new windows will be situated on the front elevation of the dwelling to allow for natural light into the sitting room, there are already windows on the front elevation which host habitable rooms and therefore any concerns raised are already existing in this instance and the overlooking they mentioned already happens. The land the windows would look out onto is a shared drive for No. 35 and 37 and therefore this wouldn't result in any loss of privacy within private land in their own curtilage like a rear garden. No. 35 themselves would also share this ability to look out onto the private drive. A second concern regarding overlooking states that 'there is also the potential for direct overlooking into number 35's habitable windows', due to the angle of the properties this would be minimal and not material and No. 35 would not lose a substantial amount of privacy. Naturally, after the initial construction, which itself would take place over a short period, minimal additional noise pollution would be caused as a result of the development.

The proposal is therefore in accordance with Policies 2 & 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework, and is therefore considered to be acceptable in this instance.

Other Matters

Following on from the resident objection the LPA have received within this application, in this section the main concerns will be addressed.

The proposal will elongate the existing dwelling to a disproportionate form and result in a property of excessive scale and incongruous design

- The overall size of the extension could be considered to be substantial in its size but due to the bulk of it being at the rear, this is considered to be acceptable and it will provide adequate space for parking and storage away from the highway/ drive.

The proposed room will directly overlook the shared drive and create a feeling of overlooking onto the adjacent property by inserting new windows into habitable rooms. There is also the potential for direct overlooking into number 35's habitable windows.

- The proposed extension is not considered to cause a loss of privacy for No. 35 as the shared drive is not a private area in this regard (i.e. a rear garden) and similarly No. 35 themselves would be able to look out onto the shared drive and have an equally clear view on the area. Further to this, there are already windows on this elevation on the first floor which look out onto the driveway and therefore there will be no new issues. Finally, due to the positioning of the dwellings it is not considered that there will be direct overlooking into the habitable windows.

It uses materials such as a steel portal frame, which are not compatible with the surroundings. It therefore causes significant detrimental visual and character impact to the surrounding area and properties.

- Following on from the amended plans received, these materials have since changed and therefore are considered to be acceptable as they now match the existing dwelling and ensure the garage does not stand out.

The proposal will likely result in further boundary vegetation having to be removed to facilitate the new garage. This will lead to a negative impact upon the local environment and amenity

- There are no trees or bushes of significant public amenity value that will be affected by the proposal. These trees and bushes are also not TPOs or within a Conservation Area so the LPA has

no control over them.

There is a reasonable concern that the new room, albeit marked in the plans as a sitting room, will in fact be used as an additional bedroom. This will increase the number of residents inhabiting the property, therefore leading to increased pressures in parking. This additional need, of what will in effect be a 6 bedroom property, will place pressure on what is already a small drive and lead to a detrimental impact upon local parking and amenity.

- The room is labelled on the plans to be used as a sitting room so the LPA has no reason to believe this won't be the case. However, if the room became an additional bedroom it is clear that there is enough vehicle parking to the front of the property for this additional room. The proposed garage would also act as an area for the residents to store their vehicles sufficiently and off the highway.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality or the amenity of nearby resident and is seen as acceptable. Overall, the development conforms with the South East Lincolnshire Local Plan for the most part and the provisions of the National Planning policy Framework when viewed as a whole.

Conclusion

Taking the above considerations into account, the proposal is, for the most part, considered to be in accordance with Policies 2 & 3 of the SELLP, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

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

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.