

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H03-0841-22 **Applicant:** Mr M Fradley
Proposal: Erection of outbuilding
Location: Hop Pole House Main Road Hop Pole
Terminal Date: 19th October 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development

National Guidance

National Planning Policy Framework 2021

Section 12. Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for an outbuilding to the rear of the existing detached garage. It would measure 13 metres (depth) x 6.3 metres (width) and stand at 4 metres in height (2.4 metres to the eaves). It would have timber clad feather edge external finish painted in a shade of grey, sitting under a black plastisol metal box roofing system with 3x wooden barn garage doors and 1x wooden personnel door.

SITE DESCRIPTION

The application site is located on Main Road in Hop Pole. The property is part of a small cluster of residential dwellings located outside any defined settlement boundary. The site comprises a two

storey detached dwelling located towards the front of the site. There is a double detached garage located adjacent the western boundary, set some 20 metres back from the front boundary.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

Deeping St Nicholas Parish Council

No objections.

PLANNING CONSIDERATIONS

Principle of development

Policy 1 of the South East Lincolnshire Local Plan, 2019 indicates that new development will be permitted in the countryside where it is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. Explanatory text indicates that there are certain types of use that need to function in the countryside, such as agriculture and forestry.

The site is outside any defined settlement boundary and within the open countryside as set out in the South East Lincolnshire Local Plan (SELLP), 2019. However, as the proposed outbuilding would be within the residential curtilage of the existing dwelling and no new unit would be created in the open countryside, the principle of a development associated with an existing dwelling is considered acceptable.

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise. The key material considerations are addressed below.

Layout, Design, Size and Scale

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting, 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.

There would not be any prominent views of the proposed building from the main public realm given it would be located behind the existing garage and would be lower in height therefore it would be blocked by the garage. The building would have a large footprint, however, the plot is a generous size therefore sufficient amenity space would be retained. It is considered that it would not materially harm the street scene or the character or appearance of the locality given there are examples of large outbuildings in the immediate vicinity. The proposed materials are considered appropriate for the semi-rural setting.

In summary, the proposals are considered visually acceptable within the locality and comply with Policies 2 and 3 of the SELLP and Section 130 of the NPPF.

Impacts upon Residential Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The closest neighbour is Tara House located to the west of the application site. The proposed outbuilding would sit close to the shared boundary with this neighbour, however, given the building would be sited adjacent to this neighbour's driveway therefore any potential impact can be accepted.

In addition the pitch of the roof would face away from this neighbour, thereby further reducing any potential impact. No additional noise disturbance is considered to result as the buildings would be used in conjunction with the existing residential use at Hop Pole House and the proposed domestic outbuilding would not create any new activities not already associated with the current dwelling.

With regards to the neighbour to the east (Chancellings) the proposed outbuilding would be sited at least 16 metres from the shared boundary with this neighbour at its closest. Given the single storey nature of the building and limited, this separation distance is considered as to not result in any overbearing impact or unacceptable overshadowing.

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

Planning Balance

The proposal will not materially harm the character or appearance of the locality or amenity of nearby residents. 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 1, 2 and 3 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.