

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H04-0268-22	Applicant:	Mr & Mrs Clarkson
Proposal:	Proposed detached triple garage with first floor for storage and temporary accommodation.		
Location:	102 Station Street Donington Spalding		
Terminal Date:	6th May 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

Section 2. Achieving sustainable development.
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural 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
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Planning permission is sought for the erection of a detached triple garage with temporary accommodation/annexe above.

Site Description

The site consists of a semi-detached house (currently unoccupied due to fire damage) and associated domestic outbuildings, plus a static caravan within the rear garden. It is located within an existing row of semi-detached dwellings fronting Station Street and continuing round to Barnes Road to the south-east. It is some 30 metres to the south-east of the A52 roundabout. Semi-detached houses are situated to the north-east and south-west (nos. 100 and 104 Station Street).

Planning History

H04-0888-20 - Full - Proposed rear extension, including alterations, and rebuilding of garden store - Granted 8 March 2021.

Consultation responses

Donington Parish Council

No response.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

Public

Objections received (summarised):

- Loss of privacy;
- Overshadowing/loss of light;
- Noise/disturbance;
- Insufficient parking. Parking on the highway and causing problems for HGVs;
- Will be used as living accommodation/HMO;
- In breach of previous planning permission for house extensions. Failed to make roof of house safe/watertight;
- Running a business from the site;
- Anti-social behaviour;
- Failing to meet obligations under Party Wall Act;
- Unauthorised development on site, including building within frontage. Fly tipping and waste blowing on site;
- Devaluation of property.

Information from Applicant's Agent

The host dwelling has suffered a fire and requires full renovation. There is a planning application H04-0888-20 for a rear extension. Currently the applicant is living in a caravan whilst carrying out the works. The proposed garage is for their vehicles which frees their driveway area for delivery of materials. The temporary accommodation over the garage is to house the family until works are complete on the property. We would be happy for you to condition this and also condition the area above the garage would solely be used in conjunction with the main dwelling and that only family members are to reside.

Planning Considerations

The main issues in this case are:

- Policy/principle;
- Character/appearance;
- The likely effect upon the amenity of nearby residents;
- Highway issues;
- Flood Risk.

Policy/principle

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 site is inside Donington Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within Main Service Centres, including Donington, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities.

In this case, the proposal is for an ancillary building in conjunction with the host dwelling (no. 102 Station Road). Therefore, the principle of development for the proposal is acceptable and in accordance with Policy 1, unless material considerations indicate otherwise.

Character/Appearance

Policies 2 and 3 of the SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 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.

The building would have a length of 10.8m and width of 6.6m approximately, with a ridge height of some 6.5 metres. It would be constructed in brickwork and would be located approximately 1.2m from the south-western boundary. It would be set back some 12.9m from the highway and would be subservient to the existing semi-detached houses in terms of height. It would replace an existing single storey utilitarian outbuilding and would not materially harm the street scene or the character or appearance of the locality.

The proposal is in accordance with Policies 2 and 3 of South East Lincolnshire Local Plan, 2019 in this respect.

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.

Policy 30 of the SELLP indicates that development proposals will not be permitted where, taking into account of any mitigation measures, they would lead to unacceptable adverse impacts upon the health and safety of the public, the amenities of the area, or the natural, historic or built environment by way of such factors as air quality, noise, light levels and land quality and condition.

The site is located within an existing row of semi-detached dwellings fronting Station Street and continuing round to Barnes Road to the south-east. It is some 30 metres to the south-east of the A52 roundabout. Semi-detached houses are situated to the north-east and south-west (nos 100 and 104 Station Street).

The proposed building is a detached triple garage with temporary accommodation/annexe above. It would be used for a purpose ancillary to the host dwelling (no. 102 Station Road). A driveway serving the neighbouring property no. 104 is situated to the south-west giving a degree of

separation between the properties. Other neighbouring properties are further away to the north-east (no 100 Station Street) and east (dwellings off Barnes Road). Whilst rooflights are proposed at the rear they would be some 1.7m above floor level. Taking these factors into consideration it is considered that the proposal would not materially harm the amenity of nearby residents in terms of overbearing effect, overshadowing, blockage of sunlight, overlooking and lack of privacy.

In terms of noise and disturbance, the site is relatively close to the A52 roundabout, so ambient noise levels are higher than a quiet residential area. Taking this into consideration it is considered that the amenity of nearby residents would not be materially harmed in this respect. Although there would be some noise and disturbance during the construction phase it would be for a temporary period and not such as to justify refusal.

The proposal is in accordance with Policies 2 and 3 of South East Lincolnshire Local Plan, 2019 in terms of amenity.

Highway Safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

In this case three spaces would be available for use within the garage, plus further spaces within the front garden area. LCC Highways have been consulted and consider that the proposal would not result in an unacceptable impact upon highway safety.

The proposal is in accordance with Policies 2, 3 and 36 of South East Lincolnshire Local Plan, 2019 in terms of highway safety/parking requirements.

Flood Risk

Policy 4 of the SELLP is concerned with flood risk management and states, inter alia, that new development within Flood Zones 2 and 3 should pass the sequential test and be accompanied by a site specific flood risk assessment which should propose appropriate flood resistance and resilience measures to ensure the development maintains an appropriate level of safety for its lifetime. The development should also incorporate the use of Sustainable Drainage Systems (SuDS) and demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development.

The site is within Flood Zone 1 on the Environment Agency Maps and within an area of no hazard within the SHDC Strategic Flood Risk Assessment. There are therefore no flood risk issues in this case.

Other matters

Possible use as HMO - the applicant has made no reference of possible use as a HMO, which would require separate planning permission.

Unauthorised development/uses and breach of previous planning permission for house extensions - These issues are the subject of an ongoing enforcement investigation..

Failed to make roof of house safe/watertight - This is a matter that falls outside the remit of planning.

Anti-social behaviour, fly tipping and waste blowing on site - These issues are the subject of separate legislation.

Failing to meet obligations under Party Wall Act - This is a separate legal matter.

Devaluation of property - this is not a material planning consideration and therefore carries no weight in the decision making process.

Planning Balance

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 proposed garage block is acceptable in locational terms. It would not materially harm the character or appearance of the locality, or amenity of nearby residents in terms of lack of privacy, overlooking, overshadowing, blockage of light, noise and disturbance, etc. LCC Highways have been consulted and raise no objections on highway safety/parking grounds.

The proposal satisfactorily complies with Policies 1, 2, 3, 4, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2021. There are no issues in this case that indicate against the proposal and outweigh factors in favour of the scheme and the policies referred to above.

Conclusion

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.

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.