

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H04-0833-22      **Applicant:** Mr M Burrell  
**Proposal:** Proposed outbuilding to create home office space, storage and garaging.  
**Location:** Redshaws 18 Town Dam Lane Donington  
**Terminal Date:** 20th October 2022

### Planning Policies

#### South East Lincolnshire Local Plan - Adopted: March 2019

|            |                           |
|------------|---------------------------|
| 01         | Spatial Strategy          |
| 02         | Development Management    |
| 03         | Design of New Development |
| 36         | Vehicle and Cycle Parking |
| APPENDIX 6 | Parking Standards         |

#### National Guidance

#### National Planning Policy Framework 2021

Section 12. Achieving well-designed places

### Representations:

|                | Object | Support | No Obj. | Comments |
|----------------|--------|---------|---------|----------|
| PARISH COUNCIL | 0      | 0       | 0       | 0        |
| WARD MEMBER    | 0      | 0       | 0       | 0        |

### CASE OFFICER ASSESSMENT

#### PROPOSAL

This is a householder application seeking permission for a detached outbuilding along the south/west boundary to create 2no parking spaces, a home office with a w/c, workshop and storage. The existing garden store container would be removed. The garage and home office element would be located towards the rear of the site and would measure 10 metres (width) x 5.3 metres (depth). The workshop would measure 5.4 metres (depth) x 4.5 metres (width). The storage space would measure 10.8 metres (depth) x 3 metres (width).

The external walls would be finished with pewter grey timber effect cladding, sitting under a metal standing seam cladding in dark grey/black anthracite. The doors and windows would have dark grey/black frames and the fascia's/rainwater goods would be black upvc.

## **SITE DESCRIPTION**

The application site is located on Town Dam Lane in Donington. The site is outside but directly adjacent to the Donington settlement boundary. It comprises a newly constructed single storey dwelling. The site is enclosed by a low level boundary fence. to the front/side are large gravelled areas providing extensive off-street parking. A detached garden storey container is sited along the western boundary. There are residential dwellings to the north and west of the site with open fields to the east and south.

## **RELEVANT PLANNING HISTORY**

H04-1200-17 - Erection of single-storey dwelling - retrospective - Approved

H04-1132-15 - Change of use of agricultural land to incorporate as part of domestic curtilage including extension of garden fence - Approved

H04-1579-07 - Erection of detached dwelling (re-design of H04/1135/01) - Approved

H04-1135-01 - New house and garage - Approved

## **REPRESENTATIONS**

No representations received.

## **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.

The proposed development would be visible from the public realm given its siting. It is accepted that the building would have a large footprint, however, sufficient outdoor space would be retained around the house. 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, specifically the adjoining neighbour. 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 no.20 Town Dam Lane located to the west of the application site. A small part of the proposed building would sit close to the shared boundary with this neighbour. Given the single storey nature, the relationship with this neighbour and the fact the element sitting adjacent to this neighbour's boundary would be in a similar position to the existing storage building, the proposed development is not considered to result in any overbearing impact or unacceptable overshadowing. The relationship with this neighbour would not significantly change. No additional noise disturbance is considered to result as the buildings would be used in conjunction with the existing residential use at Redshaws and the proposed domestic outbuilding would not create any new activities not already associated with the current dwelling.

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).

### Parking

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. The proposed outbuilding would be sited on part of the existing driveway, however, the site benefits from extension parking to the front/side therefore sufficient parking would be retained.

As such the proposal is considered to satisfactorily comply with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of parking/highway safety.

### Planning Balance

The proposal will not materially harm the character or appearance of the locality, the amenity of nearby residents or result in parking issues. 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, 3, 36 and Appendix 6 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.