

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0250-22 **Applicant:** Mr J Sidebottom
Proposal: Proposed front extension, detached single garage and connecting carport
Location: 2 Greenfields Holbeach Spalding
Terminal Date: 3rd May 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
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a ground floor front extension to create a music room, a detached single garage and connecting carport to the front. The front extension would measure 2.4 metres (depth) x 4 metres (width). The garage would measure 5.9 metres

(depth) x 3.4 metres (width) and stand at 2.7 metres in height. The carport would measure 3.1 metres (depth) x 3.8 metres (width).

The external materials of the extension are proposed to match the existing dwelling. The garage is proposed to be constructed from matching brickwork and a single ply membrane roof. The carport would have a poly-carbonate roof covering.

Site Description

The site is located on Greenfields, within the Holbeach settlement boundary. It comprises a two storey detached dwelling of buff brick construction with part render on the upper front elevation. There is a single attached garage to the side. The front garden is part gravel and part paving. The immediate area comprises detached dwellings with fairly open frontages.

History

No relevant planning history.

Consultation Responses

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

Planning Considerations

Principle of development

The site is within the Holbeach settlement boundary and the proposed extension would be sited within the residential curtilage of the existing dwelling therefore the principle of extending the existing dwellinghouse is 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 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 music room extension is considered a minor addition which is in keeping with the existing dwelling. The use of matching external materials would ensure it is in keeping with the existing dwelling.

The immediate street scene is characterised by detached dwellings set back from the highway by at least 5 metres. The proposed garage and carport to the front of the site would be sited right next to the front boundary adjacent to the highway. There is a strong built form in the street with no such structures located to the front of the dwellings. Having regard to the pattern of existing development in the vicinity and location of the site, the proposed front projecting garage and carport are considered to be out of keeping with the character and appearance of the surrounding area and they would appear overly prominent and visually intrusive in the street scene.

In light of the considerations above, it is considered that the proposed garage and carport would be contrary to Policies 2 and 3 in the South East Lincolnshire Local Plan, 2019 and Section 12 of the NPPF, 2021 in terms of layout and impact on character/appearance.

Impact upon 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.

The closest neighbour to the proposed development is no.4 Greenfields, located to the south of the application site. The proposed music room extension is not considered to result in any unacceptable impact given this is a small infill with a minor front projection. The proposed carport and garage would be sited close to the shared boundary with this neighbour and extend the depth of this neighbour's front garden. As these would sit adjacent to this neighbour's driveway no overbearing impact is considered to result. Given the orientation of the property no unacceptable overshadowing would result.

With regards to the neighbour to the north the closest element of the proposed development would be sited approximately 7.8 metres from the shared boundary with this neighbour. Given this and the relationship with this neighbour it is not considered that any unacceptable impact would result on the amenity of this neighbour.

Taking the above into account, the proposed development 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

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision. The proposed garage measures only 5.5 metres in length internally therefore this does not meet the size requirements for enclosed parking spaces. However, the proposed carport can be considered a formal parking space and 2-3 further vehicles can be accommodated in the driveway. As such the site meets the current parking standards as a maximum of 3 no off-street parking spaces are required for the site.

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.

Although the extension to the front of the existing dwelling to create a music area is considered acceptable, it is considered that the proposed front projecting garage and carport will materially harm the character and appearance of the locality. It is therefore not considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 12 of the NPPF, 2021.

CONCLUSION

In light of the considerations above, the proposal is considered to be contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (2021).

Additional Considerations

It has been confirmed by the applicant that the annexe is not a separate dwelling and therefore is not on the electoral role.

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.

Conclusion

It is recommended to refuse this planning application.