DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-0492-22**	**Applicant:**	**Mr & Mrs Gale**
Proposal:	Proposed Garage/Store & Annexe - approved under H05-0781-20. Modification of Condition 2 to allow amendments to previously approved plans		
Location:	Westwaize Langary Gate Road Gedney Hill		
Terminal Date:	12th July 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
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a Section 73A Planning Application, seeking planning permission for amendments to a

proposed garage/store and annexe, which was previously approved under H05-0781-20.

The first floor would remain as originally approved with 3 x bedrooms, a landing and bathroom. At ground floor, the proposal is to change the garage to a games room and the implement store would become an 'outdoor kitchen / BBQ and storage'.

Site Description

The application site is situated approx. 1km north-west of Gedney Hill and approx. 725m east of Holbeach Drove.

Westwaize is a detached chalet bungalow situated on a spacious plot, and is set back from Langary Gate Road. The property has a large grassed front garden, with a long gravelled driveway to the side of the dwelling. It has a spacious rear garden which also extends out to a paddock to the east, and is well screened on either side.

There are frontage properties either side of Westwaize (bungalow and 2-storey dwelling) but the overriding character of the wider area is rural.

The building is now almost complete.

Relevant History

H05-0781-20- Approved on 10-11-20- FULL- Proposed Garage/Store and Annexe.

Consultation Responses

Public comment (1)

- The building seems out of character with the rest of the private homes along this road.
- Imposing on the landscape and does not match the plans.
- Misleading information in regards to family members using the building for full occupancy and was made clear that it would only be used as an annexe.

Planning Considerations

Principle

The building as originally proposed was to contain a garage and implement store at ground floor, and the annexe element were to be at first floor, comprising of 3 bedrooms and a bathroom. 3 bedrooms in an annexe is unusual and normally not permitted, but was considered acceptable in the context of the proposed uses at ground floor and the size of the site. However, the proposal is to change the ground floor uses to a games room and an 'outdoor kitchen / BBQ and storage'. The latter does not appear to be outdoor, rather it is fully enclosed and served by doors and has a side elevation window. It therefore appears that it would in fact be an indoor kitchen. In terms of the games room, it is unusual for such a space not to include an area of seating and a TV and could reasonably be a living space for the building. Overall, it is considered that the proposed changes would effectively result in a building that is tantamount to an independent residential unit.

Ordinarily, such development would be assessed against Policy 1 of the South East Lincolnshire Local Plan, 2019, but given that a residential dwelling would be a distinctly different use to the development description of the present application, it would not be appropriate to consider the merits of that under this application. Even if it were to be concluded that the proposed uses are acceptable, it would still conflict with the development description, which cannot be altered by means of a S73A application.

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 amendments to the external facade of the previously approved scheme include removing the external garage doors in favour of French doors, a new window on the south-western elevation at ground floor and the window to what would have been the implement store to the opposite site. At first floor, one of the side facing windows has been removed. There are no objections to these changes in visual terms and the proposal as amended satisfactorily complies with the above policies in design terms.

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 building remains the same size as previously proposed and no new windows have been introduced at first floor level. The ground floor windows are at a height and angle such that there would be no overlooking. It therefore remains acceptable in amenity terms.

Taking the above into account, the proposed minor modifications are deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity.

Planning Balance

It is considered that the proposed changes would effectively result in a building that is tantamount to an independent residential unit.

Ordinarily, such development would be assessed against Policy 1 of the South East Lincolnshire Local Plan, 2019, but given that a residential dwelling would be a distinctly different use to the development description of the present application, it would not be appropriate to consider the merits of that under this application. Even if it were to be concluded that the proposed uses are acceptable, it would still conflict with the development description, which cannot be altered by means of a S73A application.

Conclusion

As 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.