

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H05-0686-20 **Applicant:** Miss A Benjamin
Proposal: Erection of Garage - retrospective
Location: The Dees Old Main Road Fleet Hargate
Terminal Date: 16th December 2020

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 2019

Paragraph 127 of Section 12. Achieving well-designed places

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 householder planning application that seeks retrospective permission for erection of detached garage at The Dees, Old Main Road, Fleet Hargate, Spalding.

Site Description

The area is predominantly residential. Period cottage has been observed towards the historic core of Fleet Hargate whereas the setting of the site is characterised by modern bungalows.

The application property is a two-storey semi-detached dwellinghouse. It appears fairly set back from the road. A long driveway joins the public footpath with a vehicular crossover to ensure access of vehicles from and to the property. The remainder of the land is laid in lawn. A nearly 2 metre high conifer hedge extends across all site boundaries.

The garage for which permission is sought stands to the front of the original in-built garage of the house and adjoining the eastern boundary. Beyond this boundary, there is the driveway for the adjoining property Hollandia.

History

None.

Consultation Responses

Members of the public

One resident objected raising the following issues:

- Incomplete application form
- The garage will entail loss of parking spaces within the curtilage and therefore on-street parking
- High number of cars on the site in case of fire.

Planning Considerations

Principle of development

The site lies within the settlement boundaries for Fleet Hargate as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Irrespective of spatial strategy considerations, the principle of developing a garage which is incidental to the enjoyment of a dwelling house 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.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 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 SELLP, 2019 goes on to say that considerations shall be met about size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses. In this regard, Policy 3 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 garage is a low-pitched outbuilding which remains open on the front and side elevation. There are no doors for vehicles neither personnel.

It measures approximately 6.12 metres in width, 8.94 metres in depth and 2.90 metres in apex height. Having overall regard to the scale of the dwelling house and neighbouring properties, the development is subservient in terms of scale, mass and bulk.

The outbuilding is positioned 9.7 metres from the front elevation of the house and 91 centimetres from the eastern boundary. At such location, the drive area is sufficiently spacious for further cars

and the turning point is maintained. Therefore, the erection of the house has been designed to the extent which no conflict occurs with the dwellinghouse and its driveway.

The external walls of the garage are concrete stone colour. The roof is made of corrugated sheets in silver colour. This application intends to install a door wood painted in black for the personnel access and a metal door painted in black for the front opening of the garage. The resulting appearance does not match significantly with the dwelling and its setting. The corrugate sheets on the roof impoverish somewhat the design quality standards of the construction. However, on balance, no unacceptable harm has been caused and the material schedule could be accepted in this case.

The aim of the development is to gain further space to accommodate private motor vehicles and storage in connection with the dwellinghouse. Should there be a breach of planning control in this regard, enforcement action could be taken subject to evidence that the garage is not used for non-residential purposes. The case officer conducted a site inspection and the outbuilding was being visibly used for domestic purposes.

In general, the design standards of the development proposals are fairly good and therefore the application comply with the aforementioned policies concerning design, layout and character of the local area.

Residential amenity

The separation distance of the development with the eastern boundary is in the region of 1 metre and 15 metres with the neighbouring property Hollandia. Beyond the eastern conifer hedge, there is the driveway that leads to Hollandia. Given the short height of the structure and separation with the nearest dwellings, no harm of the garage occurs upon the residents nearby.

In summary, the development complies with residential amenity which is one of the key principles of design and development management as set out in Policies 2 and 3 of SELLP (2019).

Car parking provision

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class.

It is unknown the number of bedrooms in the house. However, the highest number of parking spaces is 3 for dwellings with 4 or more bedrooms. Three cars can be easily parked on the driveway without obstructing the turning point and the car movement in a safe manner.

Therefore, car parking provision is acceptable in this case and the proposals accord with Appendix 6 of SELLP, 2019.

Planning Balance & Conclusion

The scale and height of the development is commensurate with the buildings in its setting. Overall, the design and appearance is acceptable albeit improvable. When granting permission for the garage, the use of the outbuilding is secured to be incidental to the enjoyment of the dwellings. Otherwise, enforcement action could be taken in case of breach of planning control or conditions. The number of cars on the site is not significant insofar as some cumulative impact should occur on the highway safety.

Taking into account the considerations above, the proposal is considered to comply with Policies 1, 2, 3, 6 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019; and Paragraph 127 of National Planning Policy Framework (NPPF), 2019.

It is accordingly recommended to approve this planning application via 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.