

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H05-0781-20	Applicant:	Mr & Mrs Gale
Proposal:	Proposed Garage/Store and Annexe		
Location:	Westwaize Langary Gate Road Gedney Hill		
Terminal Date:	11th November 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

National Guidance

National Planning Policy Framework 2019

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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking permission for a proposed garage/store and annexe at Westwaize, Langary Gate Road, Gedney Hill.

The annexe would be used for visiting family members.

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 elevation 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.

History

No planning history.

Consultation Responses

South Holland Drainage Board - Advises of the consents required and suggests that a drainage strategy be provided.

SHDC Environmental Protection Officer - No comments or objections.

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

Public (1 objection, summarised) -

- Potential living quarters
- Not in keeping with the area
- Overlooking issues
- Long driveway alongside property causing pollution and noise.
- Impact on value of property

Planning Considerations

Principle

The site is located outside a settlement boundary as defined in the recently adopted South East Lincolnshire Local Plan (SELLP), 2019. For the purposes of the SELLP, the site lies within the countryside. However, irrespective of this, the principle of developing garage/store and an annexe that is incidental to the use of the 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.

Layout, Design, Size and Scale

Paragraph 127 of the 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 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. Taking into account the following considerations, the proposals will not be inappropriate in these terms.

The proposed garage/annexe will be approx. 10.9m in depth, approx. 6.5m in width, with a maximum ridge height of approx. 7m. The area of land the building would sit within is sufficiently sizeable to accommodate the proposal insofar as the form of development will not appear cramped on the site. The building will be set back approximately 70 metres from Langary Gate Road. Notwithstanding it would be a two storey building, it is considered that the development at such a distance will not have a significant adverse impact upon the street scene. Moreover, the frontage dwellings and the screening provided by the trees and hedging present either side of the plot will greatly obscure the development from the road it is not considered it would have a detrimental impact on the rural character of the wider area.

In terms of visual appearance, facing brickwork, windows and roof tiles are to match the existing chalet bungalow. Although the gable roof would be different to the hipped bungalow roof, the dwelling to the south-west has a gable roof. It is therefore not considered that the visual appearance of the building would be at odds with existing development.

With regard to layout, the submitted plans shown a double garage, implement store, smaller store room and lobby at ground level. The annexe would be at first floor and provide self-contained accommodation (3 x bedrooms and a bathroom). No kitchen, dining or living room is indicated on the floor plans. Visitors would therefore be reliant on meals being provided in the main dwelling. A condition can be added to ensure that the annexe is not used as an independent dwelling and any future proposed change of use to one would be resisted on the grounds of its countryside location.

Taking the above into account, the proposal is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2019 in terms of layout, design, size and scale.

Impacts upon residential amenity

Concern has been raised by a resident regarding overlooking and the potential for the long driveway between dwellings to have an impact in terms of air pollution and noise.

The submitted drawings show first floor windows on the front and rear elevations (bedrooms) and side elevation (bathroom). The latter would be obscure glazed. The proposed building would be approx. 35m from the rear elevation of the neighbouring property Redstone and approx. 32m from the property Hazeldene. Both of these properties are at an angle from the proposed building. Given this, it is not considered that there would be detrimental overlooking of any habitable rooms of these properties. The proposed building would be approx. 10m from the closest point of the rear garden of Redstone and a similar distance to that of Hazeldene. Again, both of the gardens are at an angle. By way of comparison, these separation distances would be no different to a dwelling being erected to the rear of an existing dwelling with a 10m rear garden in between. Furthermore, it has been indicated that the annexe would be used by visiting family members, and not on a permanent basis by family members. Its use is therefore likely to be intermittent. On this basis, it is not considered that the proposal would result in a material adverse overlooking impact. Additionally, given the separation distances involved, it is not considered that the building would be unduly overbearing or result in a material loss of light/overshadowing.

In terms of air/noise pollution from vehicles using the proposed drive to access the garage and annexe, it is noted that there is already a driveway on that side of Westwaize which extends past the rear elevation of Redstone. Furthermore, there is fencing, followed by hedging, along the boundary in between the application site and Redstone. It is therefore not considered that there would be a material adverse impact in terms of air/noise pollution as a result of the proposed building being built.

Taking the above into account, the proposal is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2019 in terms of residential amenity.

Other considerations

Impact on property value is a consideration but one which carries very limited weight in the overall planning balance.

Conclusion

In light of the considerations above the proposed development is considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and of Section 12 of the National Planning Policy Framework (2019).

The recommendation is therefore for a delegated approval.

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.