DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-0825-22**	**Applicant:**	**Mr & Mrs Gale**
Proposal:	Erection of Gym/Workshop with Annexe to First Floor - Retrospective		
Location:	Westwaize Langary Gate Road Gedney Hill		
Terminal Date:	14th October 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application, seeking planning permission retrospectively for a proposed gym/workshop and annexe. The building was originally 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 gym and the implement store would become a workshop.

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.

History

H05-0492-22- Refused on 12-07-22- S73A- Proposed Garage/Store & Annexe.

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

Consultation Responses

South Holland IDB

The Board's Officers have reviewed the documents submitted in support of the above planning application. Although no consent is currently required from the Board, officers have noted a potential for conflict between the planning process and the Board's regulatory regime.

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 a gym/workshop 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 building to accommodate the gym/workshop and annexe is approx. 10.9m in depth, approx. 6.5m in width, with a maximum ridge height of approx. 7m. The area of land the building sits within is sufficiently sizeable to accommodate the proposal insofar as the form of development will not

appear cramped on the site. The building is set back approximately 70 metres from Langary Gate Road. Notwithstanding it is 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 such that it is not considered it has a detrimental impact on the rural character of the wider area.

In terms of visual appearance, facing brickwork, windows and roof tiles would appear to match the existing chalet bungalow. Although the gable roof is 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 is at odds with existing development.

With regard to layout, the submitted plans show a gym and workshop, lobby room and w/c 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

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 building is 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 building. Given this, it is not considered that there is a detrimental overlooking of any habitable rooms of these properties. The building is 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 is unduly overbearing or results in a material loss of light/overshadowing.

In terms of air/noise pollution from vehicles using the 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 will be a material adverse impact in terms of air/noise pollution as a result of use of the building.

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.

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.

The proposed gym/workshop with annexe to first floor will / does not materially harm the character or appearance of the locality or amenity of nearby residents. It is therefore considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

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.