

## DECISION DELEGATED TO DEVELOPMENT MANAGER

**Application No:** H07-1040-19      **Applicant:** Mrs R Zdroba  
**Proposal:** Erection of double garage/store/shed (part retrospective)  
**Location:** 32 Hillgate Gedney Hill Spalding  
**Terminal Date:** 29th May 2020

### 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    |
| 29         | The Historic Environment  |
| 30         | Pollution                 |
| 36         | Vehicle and Cycle Parking |
| APPENDIX 6 | Parking Standards         |

#### National Guidance

#### National Planning Policy Framework 2019

Sections 2, 3, 4, 8, 12, 14 and 16

### Representations:

|                | Object | Support | No Obj. | Comments |
|----------------|--------|---------|---------|----------|
| PARISH COUNCIL | 0      | 0       | 0       | 0        |
| WARD MEMBER    | 0      | 0       | 0       | 0        |
| RESIDENTS      | 4      | 0       | 0       | 0        |

### CASE OFFICER ASSESSMENT

**Proposal**

Planning permission was granted for a two storey dwelling in March 2018 (ref. H07-1162-17). Permission is now sought for a double garage/store/shed at the rear. It would have a length of 11 metres, depth varying between 6.5m and 7.5m and a ridge height of 5.71m approximately, with accommodation within the roof space and solar panels. The proposed external materials are green painted render and a grey slate roof. Work has commenced on the building.

It should be noted that work has also commenced on the house. However, it has been set further back on the plot than approved. The plot is also slightly wider than approved. This breach has been taken up with the applicant, who has indicated that a new application will be submitted shortly to regularise the development carried out. Such an application would be assessed on its own merits when received. As it currently stands, therefore, this application for a garage/store falls to be assessed against the present approval (ref. H07-1162-17).

### **Site Description**

The site is located on the western side of Hillgate just north of the junction with Highstock Lane. The former Red Lion public house (grade II listed) is situated to the south, which is currently being converted to residential. A grass strip and electricity sub-station are located to the north-east, plus grazing land to the rear (west). A pair of semi-detached houses (nos 28 and 30) are situated beyond and a bungalow (no 26) to the north-west at the rear. Bungalows are located opposite.

### **Site History**

H07-1162-17 - Full - Proposed two-storey dwelling, 34 Hillgate, Gedney Hill - Granted 2 March 2018.

### **Consultation Responses**

#### Gedney Parish Council

No comments received.

#### Public

Resident objections received (summarised):

Out of character; Outside settlement limit; Excessive in size and height - not subservient to dwelling; Harm visual amenity/street scene and setting of Red Lion public house (grade II listed); Affect upon conservation area; Colour (green) not in keeping; Overlooking/lack of privacy; Noise and disturbance; Has the appearance of a commercial building/business warehouse - may well be used for business purposes because the applicant sells building materials; Could be used as a residence; Drainage issues/flooding; Loss of trees/landscaping; Spoil view over land; Started without planning permission; House footings in wrong position - positioned further back. Plot wider. Proposal needs to be assessed in conjunction with revised position of house; Does it comply with building regulations?

1 letter of support also received.

#### Information from Applicant

The garage itself is intended to be a single garage, but with a wider door for disabled access. The roof space will be used as a store/hobby room or classroom for the children. It will not be used in conjunction with my rendering business because we have a large warehouse in Thorney.

### **Planning Considerations**

The main issues in this case are:

- Policy/principle;
- Character/appearance, including its relationship with the former Red Lion public house, which is grade II listed;
- The likely impact upon the amenity of nearby residents;
- Other material considerations such as highway safety, flooding and drainage.

## Policy/principle

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 building itself is sited just outside Gedney Hill Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that new development outside a defined settlement limit should be permitted if it is necessary to such a location and/or it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

However, the Local Plan makes provision for frontage residential development in this location and the building/additional strips of land would be ancillary to such development. Moreover, the proposed building is almost entirely within the residential curtilage the subject of planning permission reference H07-1162-17. The applicant has indicated that it would be used solely for a purpose incidental to the enjoyment of the dwelling (not commercial). Consequently, the proposal would not materially conflict with the spatial strategy of Local Plan Policy 1.

## Character/appearance

The proposed building would be one and a half storey with a ridged roof and accommodation within the roof space. It would set back behind the main house the subject of planning permission ref. H07-1162-17 and also behind the position of the dwelling unlawfully commenced on site. It would have a ridge height of some 5.71 metres. Despite its height, it would be subservient to the main house, which would have a ridge height of approximately 7.8 metres.

The approved dwelling is of traditional design. Although the proposed building is rather utilitarian its form is nevertheless not dissimilar to traditional outbuildings within the area, including a ridged roof. The roof form originally proposed did not reflect traditional vernacular. There are several other properties within the vicinity that have outbuildings/garages situated in a similar position at the rear. The building would be positioned further back than the former Red Lion Public House (grade II listed) in terms of its relationship. There are also existing backland dwellings within the immediate vicinity, including no. 26 Hillgate and 4 Station Road. Taking these factors into consideration and the general character of the area it is considered that the building would not materially harm the character/appearance of the locality or affect the setting of the former Red Lion public house.

In terms of external finish, the applicant has proposed green. Existing buildings within the vicinity are predominantly brickwork or a white finish. Notwithstanding the submitted details it is considered that the building should be finished in white or cream to be sympathetic with existing development.

The building would result in the loss of trees approved by virtue of planning permission ref. H07-1162-17. A condition should therefore be imposed to supplement their loss.

The proposal therefore satisfactorily complies with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 in this respect.

## Amenity

The former Red Lion public house (grade II listed) is situated to the south, which is currently being converted to residential. A grass strip and electricity sub-station are located to the north-east, plus grazing land to the rear (west). A pair of semi-detached houses (nos 28 and 30) are situated beyond and a bungalow (no 26) to the north-west set well back from Hillgate. Bungalows are located opposite.

The proposed building is one and a half storey and includes accommodation within the roof. Roof lights are proposed at the front and rear. However, the building is some distance from neighbouring property and would be approximately 21 metres from the rear of the former Red Lion public house. It is considered that the amenity of nearby residents would not be materially harmed in terms of overlooking, lack of privacy and overshadowing.

There is not considered to be sufficient reason to refuse the application on grounds of potential noise and disturbance given that the applicant has indicated that the building would be used solely for a purpose incidental to the enjoyment of the existing dwelling. If it were to subsequently be used

for a commercial purpose the applicant would be in breach of the planning permission and a further application would need to be submitted.

In terms of other matters, blockage of view and devaluation of property are not material planning considerations. In terms of the former, no-one has a right to a view over neighbouring land.

The proposal therefore satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in terms of amenity.

#### Highway issues

The access approved by virtue of planning permission ref. H07-1162-17 would continue to be utilised. The building is set well back on the plot so ample on site parking would still be available. LCC Highways has previously raised no objections on highway safety grounds and the current proposal is not materially different in this respect.

The proposal satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety/parking issues.

#### Flood risk

The proposal is a householder scheme so the proposal is not subject to the sequential or exceptions tests. In any case, the site is located within Flood Zone 1 (low risk) on the Environment Agency maps. It is also within an area designated as no hazard with the South East Lincolnshire Strategic Flood Risk Assessment. Moreover the ground floor would be used as a garage/store and not as non-habitable accommodation.

The proposal satisfactorily complies with Policy 4 of the South East Lincolnshire Local Plan, 2019 in terms of flood risk.

#### Drainage

The applicant has indicated that surface water would be disposed of to a 15,000 litre rain water harvesting system. However, no details of be given of an outfall in the eventuality of a storm event. This matter should therefore be made the subject of a condition.

#### Other matters

Concerns have been raised by local residents that work has already commenced on the building without planning permission. However, this is not an offence providing retrospective planning permission is obtained.

#### Conclusion

The proposal is not in conflict with the objectives of policies with the South East Lincolnshire Local Plan, 2019, subject to conditions. It is therefore recommended that the application be approved under 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.