DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H07-1122-22**	**Applicant:**	**Kennally Property Ltd**
Proposal:	Proposed single detached garage		
Location:	21a Hillgate Gedney Hill Spalding		
Terminal Date:	27th January 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 12. Achieving well-designed places.
Section 16. Conserving and enhancing the historic environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for a single detached garage towards the rear

of the site. The garage would measure 3.5 metres x 6.4 metres and stand at 4.5 metres in height (2.4 metres to the eaves). It would be constructed from weinerberger kassandra red multi bricks sitting under a brown double roman pantiles roof with grey upvc doors.

SITE DESCRIPTION

The application site is located off Hillgate in Gedney Hill. It comprises a newly constructed detached bungalow which forms backland development. It is part of a small development of 3no bungalows. The bungalow to the west has already been constructed. The site is accessed via a private gravelled driveway off Hillgate. Nos. 17 and 19 Hillgate (chalet bungalows) are located to the north-west fronting Hillgate.

RELEVANT PLANNING HISTORY

H07-0256-22 - Details of landscaping, screening along south-western boundary, foul & surface water disposal, soakaway system, means of storage & disposal of refuse & recycling for Plots 2 & 3, ecological survey, ecological biodiversity measures to be installed and archaeology (Conditions 3, 4, 6, 7, 9, 10, 11, 12 and 13 of H07-0989-21) - Approved

H07-0094-22 - Demolition of existing single storey dwelling & erection of 3 single storey dwellings - approved

H07-0989-21. Amendments to brick type - Approved

H07-0989-21 - Demolition of existing single storey dwelling and erection of three single storey dwellings - Approved

REPRESENTATIONS

LCC Historic Environment Officer

The groundworks for all three plots have been monitored but the final report has not yet been completed. The applicant still needs to submit the final report, but that is already covered by the conditions of the original application for all three plots.

PLANNING CONSIDERATIONS

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 proposed building would sit towards the rear of the site and would have limited views from the public realm given the site forms backland development and is set back from Hillgate by come 50 metres. As such no unacceptable impact is considered to result on the street scene. The building itself would have a modest footprint and would rates well to the overall site. There is no string building character in the immediate area and there are numerous dwellings with ancillary outbuildings therefore the proposed development is not considered to be out of keeping with the area. In addition, the proposed building would have external materials matching the existing dwelling on the site therefore it would not appear at odds with the existing site.

As such the development on balance complies with the aforementioned policies on design, layout and impact upon the character of the local area.

Impacts upon Residential Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning

decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The closest neighbour to the proposed development would be plot 3 to the east of the application site which is yet to be built. The proposed garage would sit close to the shared boundary with this neighbour. However, given its modest footprint and height with the eaves sitting only 0.6 metres higher than the proposed boundary fence (not yet erected) it is not considered to result in any overbearing impact or unacceptable overshadowing. Furthermore the pitch of the roof would face away from this neighbour, thereby further reducing any potential impact.

With regards to the neighbour to the west (plot 1) the proposed garage would be sited at least 15 metres from its boundary. This separation distance is considered sufficient as to not result in any overbearing impact or unacceptable overshadowing.

In respect of the neighbours to the south/south-east/south-west the proposed garage would sit close to the shared boundaries, however, given the presence of existing outbuilding close to the applicants rear boundary and the fact the garage eaves would not be considerably higher than the rear boundary fence it is not considered that any unacceptable impact would result on these neighbours.

As such the proposal would accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Parking/highway safety

The proposed garages meet the size requirements for covered parking space and additional off-street parking for 2no vehicles would be retained in the remaining driveway. As such the scheme is considered to comply with the current parking standards.

Archaeology

The Lincolnshire County Council Historic Environment Officer initially advised conditions are attached to the planning permission requiring the developer to commission a Scheme of Archaeological Works. However, upon further investigation it has been confirmed that the groundworks for all three plots have been monitored but the final report has not yet been completed. The applicant still needs to submit the final report, but that is already covered by the conditions of the original application for all three plots. As such no further Archaeology conditions are required.

Planning Balance

The proposal will not materially harm the character or appearance of the locality, the amenity of nearby residents or impact parking/highway safety. The planning balance is therefore considered to be in favour of the proposal.

CONCLUSION

In light of the considerations above, the proposal is considered to be in accordance with Policies 2, 3, 29, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019) and Sections 12 and 16 of the National Planning Policy Framework (2021).

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.

RECOMMENDATION

The application can be approved under delegated powers.