

DECISION DELEGATED TO HEAD OF PLANNING**DECISION DELEGATED TO HEAD OF PLANNING**

Application No: H07-1129-22 **Applicant:** Mr B Muthwill

Proposal: Proposed double garage with office above and external metal staircase leading to office

Location: Ryecroft House 86 North Road Gedney Hill

Terminal Date: 25th January 2023

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 householder application seeking permission for a double garage with office above and external metal staircase leading to office at the rear of the site. The building would measure 7.6 metres x 7.5 metres and stand at 6.4 metres in height (3.1 metres to the eaves). It would be constructed from red multi bricks sitting under a grey slate imitation roof with white upvc doors.

SITE DESCRIPTION

The application site is located on North Road in Gedney Hill. The site is outside any defined settlement boundary and is on land regarded as open countryside. It comprises a two storey detached dwelling of red brick construction. Hedging and gates form the front boundary with a mixture of foliage forming the side boundaries. The dwelling benefits from a large gravelled driveway to the front/side. The site is one of a small cluster of dwellings located some 415 metres from the Gedney Hill settlement boundary.

RELEVANT PLANNING HISTORY

H07-0659-16 - Continued use of agricultural field to domestic garden - Approved

H07-0404-12 - Change of use of agricultural land to use as domestic garden (retrospective) - Refused - Appeal dismissed

H07-0554-07 - Proposed detached triple garage (re-submission of H07/1735/06) - Approved

H07-1735-06 - Proposed detached triple garage - Refused

REPRESENTATIONS

South Holland Internal Drainage Board

The applicant has indicated that they intend to dispose of surface water via infiltration, however the viability of this proposal has not been evidenced. It is recommended that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy the applicant would be expected to propose to discharge surface water to a watercourse.

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 but would be visible from the public realm given the low level hedging/gates along the front boundary. However, given the building would be sited some 35 metres back from the front boundary it would not appear overly prominent in the street scene. Furthermore the building would have a relatively modest footprint in comparison to the existing house and would appear as an ancillary outbuilding. There is no string building character in the immediate street scene 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 is no.88 North Road located to the north of the application site. The proposed building would sit close to the shared boundary with this neighbour, however, the majority of it would be blocked by the foliage along the shared boundary. An external staircase and 2no doors are proposed in the northern elevation facing this neighbour, however, given the proposed building would sit adjacent to this neighbours outbuildings and towards the very far end of this neighbours rear garden it is not considered that there would be any unacceptable overlooking. In addition, given the foliage along the northern boundary any potential views would be limited by this. As such the impact on this neighbour is considered to be within acceptable tolerances.

With regards to the neighbour to the south-west at no.84 North Road the proposed development would be sited approximately 18 metres from this neighbours boundary. Given the modest footprint/height of the building this separation distance is considered sufficient as to not result in any overbearing impact or unacceptable overshadowing. No doors or windows are proposed in the elevation facing this neighbour therefore there are no overlooking or loss of privacy concerns.

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 would be retained in the remaining driveway. As such the scheme is considered to comply with the current parking standards.

With regards to highway safety there would be adequate space in front of the garage therefore vehicles will be able to safely enter the site without stopping on the highway. The proposed garage is not considered to impact vehicle/pedestrian visibility splays.

Drainage

The applicant has indicated that they intend to dispose of surface water via infiltration, however the viability of this proposal has not been evidenced. South Holland Internal Drainage Board has advised that a ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy the applicant would be expected to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Please note that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. An informative has been attached to the decision advising the applicant of this.

Planning Balance

The proposal will not materially harm the character or appearance of the locality, the amenity of nearby residents or impact 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 1, 2, 3, 4, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019) and Sections 12 and 14 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.