DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H07-1303-21**	**Applicant:**	**Mr & Mrs Milward**
Proposal:	Proposed garage and solar panels to south facing roof		
Location:	28 Highstock Lane Gedney Hill Spalding		
Terminal Date:	10th February 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2021

Section 12. Achieving well-designed places

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
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for a detached double garage with solar panels to the rear of the existing dwelling. The garage would measure 7.2 metres x 8.7 metres and

stand at 4.9 metres in height (2.4 metres to the eaves). The garage would be constructed using brick plinth and black timber cladding sitting under a red tiled roof with an aluminium door.

SITE DESCRIPTION

The site comprises a two storey detached dwelling located on Highstock Lane in Gedney Hill. The site is outside any settlement boundary and within the open countryside. There is new residential development to the north-west and north-east of the site. The site benefits from a long gravelled driveway to the side, leading to a further parking area towards the rear of the dwelling. The property sits on a large plot and backs onto the open countryside.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

South Holland Internal Drainage Board

If a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Should the applicant's proposals change to include works within 9 metres of the watercourse, consent would be required to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure). Whilst not currently proposed, should the applicant's proposals change to include works to alter the Board Adopted watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4). Should the applicant's proposals change to include works to alter the riparian watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4).

Resident

The adjacent neighbour at no.26 Highstock Lane has raised concerns of overshowing and overbearing impact from the proposed garage structure.

PLANNING CONSIDERATIONS

Principle of development

The site is outside any settlement boundary and within the open countryside, however, as the proposed garage would be sited within the residential curtilage of the existing dwelling the principle of a building that is incidental to the enjoyment of a dwellinghouse 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 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 garage would be located towards the rear of the site along the north-western boundary but would be visible from the public realm to the front of the site. However, given the considerable set back from the street (50 metres) it would not appear overly prominent in the street scene. The footprint of the garage is considered acceptable and proportionate to the site and its design and siting are also considered acceptable given there is no strong built character form in the immediate area. The use of timber panelling is considered acceptable given the semi-rural location. The proposed solar panels are also considered acceptable.

As such the development 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 adjacent neighbour to the north-west at no.26 Highstock Lane has raised concerns of overshowing and overbearing impact from the proposed garage structure. The concerns are noted, however, it is not considered that any unacceptable impact would result on the amenity of this neighbour. The garage would be located approximately 4 metres from the shared boundary with this neighbour and 7 metres from its nearest elevation. This separation distance is considered sufficient as to not result in any overbearing impact or unacceptable overshowing, especially given the leaves eaves height of the proposed garage (2.4 metres).

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).

Planning Balance

The proposal will not materially harm the character or appearance of the locality or amenity of nearby residents. 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 of the South East Lincolnshire Local Plan (2019) and Section 12 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.