

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H08-0413-21 **Applicant:** Mr S Dobney

Proposal: Part Change of Use of Former Horticultural Business to Residential Curtilage and Erection of Garage and Swimming Pool for Residential Use.

Location: 110 Siltside Gosberton Risegate Spalding

Terminal Date: 14th June 2021

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 2019

Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	1	1	0
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application seeking permission for part change of use of a former horticultural business to residential curtilage and erection of a garage and swimming pool for residential use, ancillary to the existing dwelling at 110 Siltside. The area of land to be changed to residential measures 52 metres x 24 metres. The proposed garage would measure 6.1 metres x 12 metres and stand at 5.1 metres in height (2.5 metres to the eaves). The proposed swimming pool building would measure 17.2 metres x 7.1 metres and stand at 5.6 metres in height (2.9 metres to the eaves). The external

materials of both buildings would match the materials of the dwelling at 110 Siltside.

SITE DESCRIPTION

The site currently contains a horticulture business with part of the site within the settlement boundary and part of it in the open countryside. The boundaries of the entire former horticultural unit benefit from mature planting consisting of trees and tall hedges. The immediate area comprises primarily residential dwellings fronting the street. The dwellings all vary in size and appearance.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

Gosberton Parish Council

No comments

Cllr H J Bingham

No objections. The works proposed will only improve the overall site

Cllr S J Walsh

No observations

SHDC Environmental Protection

No comments or objections

PLANNING CONSIDERATIONS

Principle of development

Policy 1 of the South East Lincolnshire Local Plan, 2019 indicates that new development will be permitted in the countryside where it is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. Explanatory text indicates that there are certain types of use that need to function in the countryside, such as agriculture and forestry.

Part of the site is outside the settlement boundary and within the open countryside as set out in the South East Lincolnshire Local Plan (SELLP), 2019. The proposed scheme would extend the residential curtilage of an existing dwelling and no new unit would be created in the open countryside. As such the principle of a development associated with an existing dwelling s considered 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 National Planning Policy Framework (NPPF), 2019 establishes that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting, 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.

Both proposed buildings would be largely well screen from public view from Siltside by the existing dwellings fronting the street. There may be glimpsed views from the front of the site however, given the significant set-back (approximately 38 metres) the buildings would not appear prominent in the street scene. Furthermore the use of materials matching the existing dwelling at 110 Siltside would ensure the extensions would be in keeping with the existing dwelling. As such there would be very little impact on the street scene.

The proposed site is not considered to encroach unacceptably upon the open fields to the rear. The proposed curtilage extension is not considered to be significantly out of character detract from the

landscape and setting. The proposed rear boundary would not extend beyond the curtilage of the adjacent dwellings at no's 106 and 114 Siltside.

In summary, the proposals are visually acceptable within the locality and comply with Policy 2 of the SELLP and Section 127 of the NPPF.

Impacts upon Residential Amenity

The proposed buildings would be sited in a similar position to the existing building on the site and would also have a similar footprint. As such the relationship with neighbouring properties is not considered to be significantly different. The only adjacent neighbours are to the south of the proposed buildings therefore no overshadowing would result on these neighbours. No additional noise disturbance is considered to result as the buildings would be used in conjunction with the existing residential use at no.110 Siltside and the proposed domestic garage and swimming pool would not create any new activities not already associated with the current dwelling.

As such the proposal would accord with Paragraph 127 of National Planning Policy Framework (2019) 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 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (2019).

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.