DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H08-0438-21**	**Applicant:**	**Mr & Mrs P Waudby**
Proposal:	Conversion of barns into dwelling including extension, demolition of barns and erection of detached outbuilding - approved under H08-1074-15. Modification of Condition 2 to allow amendments to previously approved plans.		
Location:	Tythe Barn Station Road Gosberton		
Terminal Date:	17th June 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
APPENDIX 6	Parking Standards

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	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This site has full planning permission for the conversion of barns into dwelling including extension, demolition of barns and erection of detached outbuilding, which was approved under H08-1074-15. This application is to amend Condition 2 to allow amendments to previously approved plans.

The amendments to the previously approved scheme include a change to the position of the roof lights on the northern section of barn and the omission of a detached open front outbuilding in favour of a detached garage.

Site Description

The site is situated approx. 1.2km south west of Gosberton and is situated to the south of Station Road. Cherry Holt Cottage is directly adjacent to the site, and is the only other property in the vicinity. The surrounding area is characterised by open fields and agricultural land.

History

H08-1074-15- FULL- Approved (27-01-16)- Conversion of barns into dwelling, including extension, demolition of barns and erection of detached outbuilding.

H08-0955-17- S73A- Approved (13-11-17)- Conversion of barns into dwelling, including extension, demolition of barns and erection of detached outbuilding - approved under H08-1074-15. Modification of Condition 2 to allow amendments to previously approved plans and Condition 8 to allow window and door frames to be painted cream in lieu of stained dark brown.

H08-0114-21- FULL- Withdrawn application (26-04-21)- Detached double garage with games room above.

Consultation Responses

Public Comments

(1 objection received, summarised) -

- Concern regarding scale of garage and consequent impact on neighbouring amenity (overbearing and overshadowing, impact on views, proposed garage is higher than the dwelling)
- Garage to be constructed from different materials to dwelling
- Concerns re potential for existing septic tank to neighbouring property to be damaged
- Suggests that garage should be positioned at least 4m away from boundary with neighbouring property
- Root system of nearby trees would be affected
- Layout of the dwelling and the garden is different to what was previously proposed
- Concern that games room could be created within the building at a later date

Gosberton Parish Council

No Comments.

Cllr S C Walsh

No Observations.

Planning Considerations

Principle

The site has full planning permission for the conversion of barns into a dwelling including extension, demolition of barns and erection of detached outbuilding, which was approved under H08-1074-15, and modified under H08-0955-17.

The main issues in this case are whether the amendments to the previously approved plans would be sympathetic to the character and appearance of the building and wider area, and acceptable on amenity grounds.

The general principle of constructing a garage for domestic use within a residential curtilage is acceptable.

Layout, Design, Size and Scale

The amendments to the previously approved scheme include a change to the position of the roof lights on the northern section of barn. These windows have been sited on the northern roof slope, rather than the southern roof slope as previously approved. It would have been more preferable in

visual terms for the roof lights to have been installed on that southern roof slope, however the frames match the slate roof covering and are not considered to have a material adverse impact on the character of the building.

The other change that permission is sought for is the omission of a detached open front outbuilding in favour of a detached garage. The garage would be sited further back in the site, approx. 1m away from the southern boundary and a minimum of approx. 1.5m and a maximum of approx. 2.3m away to the eastern neighbouring boundary.

Concern has been raised regarding the scale of the proposed garage and proximity to the boundary. However, the garage would be no closer to the boundary of the property to the east than the previously approved outbuilding and would be further away from the rear patio of that property. In terms of height, the maximum overall height of the garage would be approx. 4.6m, with an eaves height of approx. 2.6m. This is the same as the previously approved outbuilding and the same as the ridge height of the closest part of the converted barn.

Part of the garage would be constructed in a light oak stained clapboarding which is not a material used in the barn conversion. However, it would still be traditional in appearance and the brickwork plinth and roof would be constructed to match the converted barn.

In light of the above, the amendments are considered to be acceptable on character/design grounds and in accordance with Policies 2 and 3 of the Local Plan in this regard.

Impact upon Residential Amenity

It is not considered that the amendments will have a material impact upon neighbouring amenity in terms of overlooking, being overbearing or creating an undue overshadowing impact.

The amendments to the fenestration on the original barn conversion are not considered to have any overlooking impacts towards the neighbouring property at Cherry Holt Cottage and are acceptable.

Concern has been raised that the garage would be overbearing in nature and cause overshadowing. After several discussions with the objector and applicant's architect, the garage has been amended by being reduced in footprint and height. It is not considered by the case officer that the resulting form of development would have a detrimental material impact on the objector. As previously highlighted, the garage would be no closer to the boundary of the property to the east than the previously approved outbuilding and would be further away from the rear patio of that property. In terms of height, the maximum overall height of the garage would be approx. 4.6m, with an eaves height of approx. 2.6m. This is the same as the previously approved outbuilding. The garage would likely be more visible from the rear windows of the neighbouring property than the outbuilding due to it being positioned further back within the site, but it would be approx. 13.5m from the closest point of the neighbouring dwelling and would partly be obscured by an intervening tree. There would also be a minimum of approx. 1.5m and a maximum of approx. 2.3m away to the eastern neighbouring boundary. It is therefore not considered that the garage would have a material overbearing effect or impact on views.

Given the height of the proposed garage and positioning of a much taller tree to the north-east which will already cast shadows, it is not considered that the proposal would cause a significant overshadowing effect that would warrant refusing the application.

Taking the above into account, the amendments are deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2019 in terms of residential amenity.

Other Considerations

Proximity to neighbouring septic tank - Concern has been raised regarding the proximity of the proposed garage to a brick Victorian septic tank belonging to the adjacent property. Building Regulation guidance states that septic tanks should be at least 7m from habitable parts of buildings. However, as a garage is not classed as a habitable building, this recommended distance would not apply.

Tree Root Protection - The objector also raised concerns over the mature trees (both protected and non-protected) in the adjacent garden. It is considered that the garage would be better positioned in relation to trees than the outbuilding previously approved as it is set back further from the closest

non-protected trees and would be approx. 12m away from the nearby protected tree. The agent has also stated that any other trees belonging to the neighbour with a significant root which might be discovered will be dealt with accordingly throughout the groundworks operation.

Potential to create games room at a later date - This matter can be addressed by removing permitted development rights to not allow the creation of a first floor or installation of further window openings without planning permission.

Planning Balance

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 amendments to the previously approved plans will not materially harm the character or appearance of the locality or amenity of nearby residents. The proximity of the building to the septic tank belonging to the adjacent property is not a matter that planning can address and there would not be a material impact on nearby trees. The potential for a games room to be created in the future can be addressed by condition.

The planning balance is considered to be in favour of the proposal.

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.

Conclusion

The recommendation is for a delegated approval.