DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0694-23**	**Applicant:**	**Mr C Yates**
Proposal:	Proposed additional detached double garage with study in roof space		
Location:	Cawood Hall Cawood Lane Gosberton		
Terminal Date:	28th September 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 9 - Promoting Sustainable Transport
Section 12 - Achieving Well Designed Places
Section 15 - Conserving and Enhancing the Natural Environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Description of Proposal

The proposal seeks full planning permission for the erection of a detached double garage with a study in the roof space at Cawood Hall. This garage is additional to the existing double garage on site.

The garage would measure 7600mm by 7800m. It would feature a dual pitched roof, with a ridge height of approximately 6600mm. The garage would feature off white render, with white UPVC windows and doors. A dormer window with white UPVC facia and dormer cheeks would be present.

Site Description

The site is outside of any defined settlement boundaries. The garage would be located to the rear of Cawood Hall, a large remote dwelling along Cawood Lane. The site is heavily vegetated and well screened by numerous protected trees. The area is characterised by agricultural land, with sparse clusters of dwellings along interspersed.

Relevant History

H08-0631-18 - Full. Erection of double garage with storage above. Approved 20/08/18.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Welland and Deepings Internal Drainage Board

"Further to receipt of the above, I confirm that Welland & Deepings IDB have no comment to make with regard to this application."

Highway and Lead Local Flood Authority

"No objection: The proposed development involves no alteration to the existing access arrangements of this property. The use of the proposed garage and study, in association with the occupation of Cawood Hall, is not expected to have any unacceptable impact upon highway safety and therefore the highway authority does not wish to object to the grant of Consent for this Application."

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.
The adopted South-East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is outside of any settlements defined within Policy 1 and is considered within the open countryside. However, as the works would entirely be within the curtilage of Cawood Hall and would be subservient to the host, the principle of development is acceptable.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed places", states that " creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 130, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments 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 outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require 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. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The proposal would largely be screened from the public realm. This, coupled with the isolation of the dwelling, means that the character impact of the proposal would be limited.

The proposed materials would match that of the previously approved garage; naturalising the development and ensuring it appears visually in keeping with the area.

The proposed scale of development is proportionate to the plot size and the host dwelling. The scale would ensure that the garage does not appear obtrusive and that is visually subservient to the host.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP

and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 130 of the NPPF states that development should 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.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The high level of screening on site would ensure that there is no overlooking or overshadowing as a result of this proposal. In addition to this screening, the adequate separation distance between Cawood Hall and any neighbouring dwelling would further ensure that no overlooking or overshadowing occurs.

The proposal would be well screened and to the rear of the dwelling, ensuring it does not appear overbearing.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 111 advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

No changes to the access are proposed, therefore, the proposal would not impact upon highway safety. The comments of the Highway and lead Local Flood Authority reflect this view.

While Policy 36 outlines three parking spaces are required for a four-bedroom dwelling, this is considered a minimum that can be exceeded. The proposal would result in four covered parking spaces on the site, which, for a dwelling of this size, is considered appropriate for the needs of the occupants.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Natural Environment

Policy 28 of the SELLP, in conjunction with Section 15 of the NPPF, concerns the preservation of the natural environment. As the site benefits from a large number of trees, many of which have Protection Orders, both policies are relevant here.

The specific location of the garage would be a suitable distance from any trees with a TPO. Previously on the site was a tree protected under a TPO; however, this tree has since been felled following an infection. Subsequently, a second tree, locate adjacent to the pond and located

approximately 20 metres away, has been protected. As such, the proposal would not interfere with any protected trees.

The proposal conforms to Policy 28 of the SELLP and Section 15 of the NPPF.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within residential curtilage. Due to the screening present, the development would not significantly impact upon the character of the area and would not represent an amenity concern. The materials proposed are in keeping with the established character of the site, matching those present there currently.

The proposal would increase the number of parking spaces available on site, ensuring full conformity to Policy 36 of the SELLP. The works would not damage highway safety. No harm would occur to any protected trees.

As such, the planning balance is in favour of the proposal.

Conclusion

The proposal conforms to Policies 2, 3, 28 and 36 of the SELLP as well as Sections 9, 12 and 15 of the NPPF. The recommendation is for delegated approval.

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.