DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0736-23**	**Applicant:**	**Mr A Crane**
Proposal:	Erection of a single garage - Re-submission of H08-0471-22 (Retrospective)		
Location:	80 Siltside Gosberton Risegate Spalding		
Terminal Date:	20th October 2023		

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 2023

12 - Achieving well-designed places

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
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a partially retrospective householder application at 80 Siltside, Gosberton Risegate for the erection of a single garage. This is a resubmission of previously approved application of H08-0471-

22. The new garage construction is almost complete with only works to the roof and garage door remaining.

The previous application sought to provide a garage that is 3.1 metres wide, 5 metres in depth, and has a flat roof height of 2.5 metres. The garage was to be constructed from LBC Cotswold 102mm brick, with white facia board and a GRP roof. The roller shutter access door was to be sage coloured to match the existing front door of the dwelling. The previous garage was sited 1 metre from the western side boundary, 4 metres from the dwelling and 5 metres from the grass verge beyond the frontage boundary.

This application seeks to provide a garage that is 3.7 metres wide, 5.4 metres in depth, and has a flat roof height of 2.6 metres. The garage is to be constructed from LBC Cotswold 102mm brick, with white facia board and a GRP roof. The roller shutter access door is sage coloured to match the existing front door of the dwelling. The garage is sited 0.35 metres from the western side boundary, 2.7 metres from the dwelling and approximately 6 metres from the grass verge beyond the frontage boundary.

A site visit was conducted on Tuesday the 29th of August.

SITE DESCRIPTION

The site is within defined settlement limits and the surrounding area is characterised by linear development of varying ages and designs. Low level metal fencing is on the southern frontage boundary, with 1.6 metre high fencing and various heights of trees and hedging beyond on the western side boundary with Chestnut Cottage, 82 Siltside.

The site is partially sited in Environment Agency Flood Zone 2 and is not subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H08-0996-21

Full - Extension & Alterations - Approved - 22 November 2021.

H08-0471-22

Full - Erection of single detached garage - Approved - 23 August 2022.

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS Officer

No objection - *"The proposed development is a garage at the front of an existing dwelling. No alterations are proposed to be made to the existing access to the property. Therefore, having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety and therefore does not wish to object to this planning application."*

Members of the public

This application has been advertised in accordance with the Council's Statement of Community Involvement and the Development Procedure Order. In this instance, one letters of representation have been received. This can be summarised as:

Proximity to boundary.
Potentially overhanging boundary.

Disturbance during construction / demolition.
The application is retrospective.

KEY PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):

Principle
Character
Amenity
Parking provision / Highway safety

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.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed above.

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

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Principle of development

The proposal is for residential development on residential land within defined settlement limits. The principle of development in this location is considered to be acceptable.

Character / Appearance

Section 12 of the National Planning Policy Framework (2023) specifically relates to 'Achieving well-designed places' and details that "The 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 of the National Planning Policy Framework (NPPF), 2023 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area. That they are visually attractive, as a result of good architecture, and are sympathetic to local character. 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 size, scale, layout and density of the proposal is considered to be appropriate for the site. No trees will be removed to facilitate this proposal. The design is that of a standard flat roof garage. The proposed brick matches that of the existing dwelling and would be conditioned as such.

Concerns have been expressed with regard to proximity to the boundary. This is not considered to be materially impact the character of the surrounding area. Whilst the garage is close to the western boundary, a site visit by the Planning Officer confirmed that the building does not overhang the residential boundary.

There is not considered to be a material impact on character and appearance from this proposal which accords with the relevant criteria of Policies 2 and 3 of the SELLP.

Amenity

Paragraph 130 of the National Planning Policy Framework (2023) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed garage does not generate a material overlooking impact. The garage is not being utilised for habitable room purposes. There are no windows in the garage. The proposed doors face the existing dwelling to the north, and the open frontages of the host dwelling and neighbouring gardens to the east.

The proposal does not generate a material overshadowing impact. The garage has a maximum flat roof height of 2.6 metres. When right to light lines are drawn, neighbouring properties and the host dwelling are not materially impacted.

As detailed above, the scale and design of the proposal is considered to be such that there would be 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 provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Parking / Highway Safety

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2023) 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.

Furthermore, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, 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.

The orientation as well as the location of the roller shutter garage door, best enables internal parking and manoeuvring on site. The existing access is not being altered, nor is the level of off road parking provision which exceeds the required minimum of two off road parking spaces for dwellings with three bedrooms or fewer. The County Highways and SUDS Officer has no objections to the submitted details.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework.

OTHER MATTERS RAISED

Disturbance during construction / demolition - This matter does not carry material planning weight. The application is retrospective - This matter does not carry material planning weight.

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.

CONCLUSION

It is considered that by virtue of the dimensions and siting, the proposed single detached garage can be accommodated on the frontage of the site without materially impacting the character and amenity of the surrounding area. This application accords with Policies 1, 2 and 3 of the South East

Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, 2023.

RECOMMENDATION

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.

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.