

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H08-0807-19 **Applicant:** Mr Karolis Juozapavicius

Proposal: Erection of wooden garage (retrospective)

Location: 61 High Street Gosberton Spalding

Terminal Date: 10th December 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The proposal is for retrospective full planning permission for a timber garage unit to the front of the primary elevation of 61 High Street, Gosberton.

Site Description

The site sits within the Gosberton Conservation Area (GCA) upon the prominent main road through the village - High Street. The plot of 61 High Street is fronted by tall, thick hedging meaning that the frontage of the property is not visible from the public realm. Whilst the property is within the GCA, it is not within close enough proximity to any listed buildings to be considered to have any possible impact.

History

None relevant

Consultation Responses

Local Residents

- Proposals are forward of the principal elevation of the property.
- Timber is not an appropriate material to use in the area.
- Proposals listed as a garage, but are being used as storage instead.
- Proposals would set a precedent for similar schemes if approved
- Site being hidden by hedges is no defence as the hedges could be removed.
- Proposals would contravene Section 16, Paragraph 185 of the National Planning Policy Framework (2019) (NPPF)
- Proposals would contravene Policy 29, Section B of the South East Lincolnshire Local Plan (2019) (SELLP)

Gosberton Parish Council

No comments

Planning Considerations

Resident's comments

- Whilst it is accepted that the proposals are forward of the principal elevation of the host property, this does not preclude the property from obtaining planning permission and merely requires that planning permission is requested.
- Timber is considered to be a traditional material and is therefore considered to be an appropriate material within the conservation area.
- The Local Planning Authority is unable to prove that the proposals will be used for any purpose other than that stated. The proposed use as garage would, regardless, fall under the same use class as domestic storage.
- The Local Planning Authority considers all applications on their own merits. Granting of this permission would not, therefore, make it acceptable for neighbouring properties to erect any structure or conduct any works to their property without obtaining the correct permissions. Neither would an approval in this instance lower the character standards of the area. As this report will lay out, it is considered that the design is appropriate to the area, being a fairly traditional style timber outbuilding. Regardless, if it were felt that any proposed works within the conservation area which required planning permission would be wholly inappropriate in design, the Local Planning Authority would seek to act accordingly.
- The comment that as the current hedging is not protected and therefore cannot be considered a true screen from the public realm is correct. However, alongside an approval of retrospective planning permission, a condition will be applied which protects the extant hedgerow on the South Western boundary of the site and compels the resident of 61 to maintain it as it currently stands.

- It is suggested that the proposal would contravene Section 16, Paragraph 185 of the National Planning Policy Framework (2019) in that it is desirable for new development to make a positive contribution to local character and distinctiveness. The NPPF requires that developments either Conserve and/or enhance the historic environment. As this report will lay out, it is felt that the proposals are of a modest and traditionally appropriate design. This coupled with the fact that the newly protected South-West boundary hedge will screen the proposal from the public realm, suggests that there should be no negative impact upon the Conservation Area, especially as seen from the public realm.

- It is suggested that the proposal would contravene Policy 29, Section B of the SELLP in that proposals should;

a) Retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces;

b) Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment

c) Assess and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape.

The proposals will not jeopardise any extant building groups or any lines of historic buildings. This is because the proposals do not include demolition of any building or group of building and is small enough in scale that it would not jeopardise the sense of scale or massing of any building or group of buildings. Whilst it is accepted that the concrete base that the proposal sits on is not the historic ground surface of the site, it replaces a small portion of the large grass lawn, which is not considered particularly characterful or important to the conservation area.

Because the proposals are small in scale they should allow for the retention of local ideals of height, massing and scale. The timber material used for the construction of the proposed, can be considered a traditional material and is not significantly out of keeping with the area. The objector raises concern that Scandinavian Pine is not a material that is native to the area, inside of the Conservation area, timber species is not a major concern, instead, the appearance is the concern and as this report will outline, the appearance of the timber is not one which is inappropriate. In terms of form, the proposed structure makes use of traditional design elements such as a pitched roof and timber-framed windows featuring glazing bars, and therefore cannot be considered to be wholly inappropriate to a Conservation Area. The proposals will have no impact upon plot widths.

Because the proposals are only single storey in height they will have no impact upon the roofscape or skyline of Gosberton. Due to the tall, thick hedge which will be protected alongside this permission, there will be no discernible impact upon the townscape or landscape of Gosberton.

Design and Layout

The Local Planning Authority seeks no amendment to either the design or layout of the proposal. The layout is suitable to service its proposed use as a domestic garage and the design is considered acceptable, being of a fairly modest timber outbuilding design, with the appropriate use of traditional design elements.

Heritage Impact

The Local Planning Authority does not feel that the proposals will have any noticeable effect upon the Gosberton Conservation Area, as they will be hidden from the public realm by the front hedge that will be protected by conditions to this application. Therefore, this proposal must be considered to CONSERVE the historic environment.

Conclusion

For the reasons listed about, this application is found to be in accordance with Policies 1, 2, 3 and 29 of the South East Lincolnshire Local Plan (2019) and Sections 12 and 16 of the National Planning Policy Framework (2019). Therefore, this application is recommended for 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.