

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0244-19 **Applicant:** Mr Robert Hutchinson
Proposal: Erection of garage (retrospective)
Location: 145 Spalding Road Holbeach Spalding
Terminal Date: 30th June 2019

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	0	0
WARD MEMBER	0	0	0	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a retrospective householder application to seek permission for erection of garage at 145 Spalding Road, Holbeach, Spalding.

Site Description

The site context is purely residential. The property is part of a frontage row of semi-detached dwellings facing north along Spalding Road. The site is relatively narrow and linear as is

characteristic of this form of urban development. A row of detached properties is along Wignal's Gate which is the nearest road running to the south. The adjacent property No. 147 to the south-west is a large house that sits in a spacious corner plot and is visibly set back from the building line on Spalding Road.

History

None.

Consultation Responses

Residents

One public representation has been received, raising the following issues:

- Loss of open views
- The garage is not in keeping with the character of the local area
- The massing and bulking of the garage creates a dark area which could be a security risk
- Impact on value and saleability of objector's property

Planning Considerations

Principle of development

According to the Inset Map 5 of the South East Lincolnshire Local Plan, the site is within the settlement boundaries of Holbeach and out of the Conservation Area. The principle of development is therefore acceptable unless other material considerations indicate otherwise as laid down in section 70(2) of the Town and Country Planning Act 1990.

Size and scale

The detached garage is approximately 3.80 metres wide, 5.50 metres deep and 2.50 metres high. Having also regard to the dimensions of the house, it is concluded that the outbuilding is commensurate with the main property in terms of scale, massing and bulking.

Design and layout

The layout and design are characteristic of this type of domestic development. A double panel door is on the front elevation. A door access is on the side elevation. The dual pitch roof has a low pitch. Timber is the main material of the structure. A felt roof is on top of the garage. An alternative colour to the light tone of untreated timber posts could contribute to match further the appearance of the outbuilding with the predominant brown dark colours of the low brick wall and timber fence on the adjacent boundary. However, it has been considered on balance that the garage as it stands does not create any detrimental impact upon the visual amenity of the surroundings.

Impact upon residential amenity

The detached garage would be located between the western site boundary and the side elevation of the property. It would be set back approximately 1.75 metres from the building line across the residential frontage. The garage would not block any window on the western site boundary.

The boundary treatment consist of a 1 metre high brick wall on the front part and 1.7 metre high timber close board fence on the remainder boundary. Most of the bulk of the garage would be adjacent to the brick wall. However, the scale of the development is not to such an extent excessive to cause an overbearing impact to the residents of adjacent neighbours. Moreover, the property at No. 147 is set at angle and sufficiently separated from the garage.

The resident objection was made, among other issues, on the basis of loss of views and impact on value and saleability of their property. However, after assessing the visual relationship between the garage and the adjacent properties, the outbuilding would not likely block any significant view and the issue of property value carries limited weight in the planning balance to determine a planning application in terms of residential amenity.

No adverse effect is anticipated to the wider street scene in terms of visual amenity as mentioned

above. For these reasons, the amenity of residents would not result undermined by the virtue of this domestic development.

Conclusion

In light of considerations above, the proposed development is in accordance with Policy 1, 2 and 3 of South East Lincolnshire Local Plan, 2019 and Section 12 of National Planning Policy Framework, 2019.

It is therefore recommended to approve this application via delegated powers.

Additional Considerations

Public Sector Equality Duty

In making your decision you 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 is only one factor that needs to be considered, and may be balance 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 your decision, you 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.

You are referred specifically to Article 8 (right to respect for private and family life), 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 interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.