

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0377-23 **Applicant:** Mr & Mrs Taylor
Proposal: Erection of detached garage
Location: Woodhouse Farm Hurn Road Holbeach Hurn
Terminal Date: 15th June 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01 Spatial Strategy
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 12

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder application for the erection of a detached garage. The development is proposed at Woodhouse Farm in Holbeach Hurn. The proposed garage will measure approximately

at 15178mm (length) at the rear, 11240mm (west width), 6965mm (east width) and 6965mm length at the smallest part.

Site Description

The site falls outside of the development boundary and is classed as being in the countryside as outlined within the South-East Lincolnshire Local Plan, 2019 (SELLP), it is approximately 1100 metres outside of the settlement boundary. The site is on a wooded area with a two-storey house going down a farm track just off of Hurn Road. There are trees throughout the site with many of them having Tree Preservation Orders (TPO) to protect them, however the development of the garage is situated away from the TPOs with the closest one being around 9 metres in distance. There are two trees closer to where the proposal will be, but these do not have TPOs on and will also not be affected by the proposal. 30 metres away from the site location there appears to be an old farm building which is now unoccupied and in ruin, the development will not have any impact on this structure and will not affect the quality or character of the landscape.

History

H09-0589-17 - Demolition of existing house, outbuilding and garage and the erection of a replacement dwelling and detached garage - Approved

H09-0331-18 - Details of archaeological report and construction management plans (Conditions 3 and 6 of H09-0589-17) - Approved

H09-0896-18 - Demolition of existing house, outbuilding and garage and the erection of a replacement dwelling and detached garage - Approved under H09-0589-17. Amendments to the size, design, and appearance of the dwelling - Approved

Consultation Responses

South Holland Drainage Board

Stated no objections, however they recommended the applicant may need to seek consent under Byelaw 3.

Diane Fairchild-Fenton (Conservation Assistant, Tree Preservation)

Recommended to include General Tree Protection Conditions and believes that the TPOs and other trees on site won't be affected by the proposal.

Planning Considerations

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 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 proposed detached garage will be situated to the west of the existing house approximately 4.8 metres away. It will be split into three sections internally including a 'Garden Store' to allow for more storage for the applicants, this will have a floor area of 7.2m by 6.4m. Adjacent to this there will be a 'Double Open Fronted Garage' with a floor area of 7.2m by 6.4m and there will also be a 'Single Garage' with a floor area of 6.4m by 4.2m. The total floor area of the proposal is 121 metres squared. The dimensions of the proposal are 15178mm (length) at the rear of the garage, 11240mm (width), 6965mm (width) and 6965mm length for the single garage section.

The proposed design is in keeping with the existing dwelling on site as the brickwork has been selected to match that of the existing house and the slate is also of a similar design and colour. This ensures that the garage won't stand out or look out of place compared to the dwelling. As the existing dwelling and this proposed garage will be the only properties on the site it will also be in keeping with the locality of the area.

It can be considered that the overall size of the garage is very large and possibly not completely proportionate to the main house. However, the floor area is significantly smaller than the main house despite the length and width of the garage, the previous application on this site for a dwelling and a garage was approved with the total floor area of the garage being 126 metres squared for a 2 storey garage. This new garage is smaller in size when compared to what was originally approved. Therefore the dimensions and measurements are considered to be proportionate to the dwelling and it complies with Policies 2 & 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The proposal will have no impact on residential amenity as the closest property to Woodhouse Farm is approximately 630 metres away. This therefore means that the development will comply with Paragraph 130 of the NPPF and Policies 2 & 3 of the SELLP.

Planning Balance

The proposal will not materially harm the character or appearance of the site and has impact upon residential amenity due to the lack of properties around the dwelling, it therefore conforms to Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

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

Conclusion

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.