DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0762-23**	**Applicant:**	**Mr M Baldwin**
Proposal:	Erection of Wooden Shed/Garage - Retrospective		
Location:	74 Church Street Holbeach Spalding		
Terminal Date:	20th March 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving well designed and beautiful places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking retrospective planning permission for an wooden shed/ garage to the front of 74 Church Street, Holbeach.

Site Description

The site is located within the defined settlement boundary of Holbeach as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). 74 Church Street is a bungalow made from bricks with a tiled roof and brown uPVC windows and doors, it is significantly set back in its plot and corners Spire View, a new build estate given permission in 2016. It is 25m from the Holbeach Conservation Area and No. 33 & 35 Church Street which are Grade II Listed Buildings.

History

H09-0767-84 - Erection of chalet bungalow with access - Approved

H09-1055-85 - Proposed residential development - Approved

Consultation Responses

Holbeach Parish Council

In front of the building line, out of character for the area.

Lincolnshire County Council Highways Authority

No Objections

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 or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Comments:

The proposal is for the erection of Wooden Shed/Garage - Retrospective. The building is set back from the highway boundary and there is sufficient space to park a car fronting the doors as they are roller doors not the up and over type. There is adequate parking remaining on site for the size of dwelling. The proposal will not have an adverse impact on the public highway.

South Holland District Council Conservation Officer

I wish to raise no objections to this proposal from a built heritage conservation perspective. The proposal site is not within the conservation area, however, it is situated within close proximity to the southern boundary of that area. The proposed structure is situated to the front of the host property, and therefore is prominently visible, even from public areas of the conservation area. However, the building is small scale enough, and constructed of such materials that I do not believe that this proposal represents any risk of harm to the value or significance of the nearby heritage asset.

Key Planning Considerations

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

- Layout, design and impact on the character of the area
- Impact on neighbouring residents/ land users/ land use
- Heritage Matters

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 within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated 2023) are

also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Planning Considerations

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

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful 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 135, contained within Section 12 of the National Planning Policy Framework (December 2023), 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.

Development proposals should also ensure that 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 South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it 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 retrospective shed/ garage is made from timber Scandinavian pine treated wood for both the walls and roof with the door being uPVC. A green compass is featured on the front elevation above the garage door which appears to be brown metal. It has a total height of around 3200mm and an eaves height of 2300mm, the total length is approximately 6900mm and it has a width of 2800mm. The garage features a gable roof similar to the style of the host dwelling.

Despite some concerns due to the positioning of the garage being located forward of the principal elevation, the development is considered to be acceptable due to it being of a small scale with the majority of the garage being placed to the side of the existing house and therefore concealed from view. Whilst not being in direct accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF it is considered to be acceptable and is not significant enough to warrant a refusal.

Impact on Residential Amenity/ Land Users

Paragraph 135 of the National Planning Policy Framework (December 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.

There shall be no overlooking concerns due to this garage/ shed as there are no windows facing neighbouring properties and in any case the due to the nature of the building it is not considered to be a habitable room. Additionally, the positioning means no significant or material shadow would be cast onto neighbouring plots.

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 (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 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.

Lincolnshire County Council Highways Authority requested more information upon the initial consultation regarding the use of the garage and concern surrounding the garage door potential overhanging on the highway. Once further information was provided they stated they had no objections 'The building is set back from the highway boundary and there is sufficient space to park a car fronting the doors as they are roller doors not the up and over type. There is adequate parking remaining on site for the size of the dwelling. The proposal will not have an adverse impact on the public highway'. As such, it is not considered to cause unacceptable harm to the highway.

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 (December 2023).

Heritage Matters

Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework. Development proposals will expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

In respect of any buildings or other land adjacent to a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area, through Section 72 the Planning (Listed Buildings and Conservation Areas) Act 1990.

The site sits around 25m from Holbeach Conservation Area and No. 33 and 35 Church Street which are Grade II Listed Buildings. Despite their proximity the LPAs Conservation Officer raised no objections to the scheme stating 'The proposal site is not within the conservation area, however, it is situated within close proximity to the southern boundary of that area. The proposed structure is situated to the front of the host property, and therefore is prominently visible, even from public areas of the conservation area. However, the building is small scale enough, and constructed of such materials that I do not believe that this proposal represents any risk of harm to the value or significance of the nearby heritage asset', therefore the building is considered to be in accordance with Policy 29 of the SELLP and Section 16 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 the defined settlement boundary. The development does not materially harm the character and appearance of the locality. There is no material harm on the amenity of nearby residents and it causes no unacceptable impact on the highway. The development therefore conforms with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, there are no material considerations that weigh significantly against the proposal and as such, the planning balance is in favour of the development.

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.

Conclusion

Taking into consideration these factors, the proposal does not directly accord with Policies 2 and 3 but is considered to be acceptable. however it is in accordance with Policies 29, 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPFF) (December 2023). The are no

significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

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