DECISION DELEGATED TO HEAD OF PLANNING

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| **Application No:** | **H10-0988-23** | **Applicant:** | **Ms Chapman** |
| **Proposal:** | Proposed detached garage | | |
| **Location:** | Holmelea Hospital Drove Little Sutton | | |
| **Terminal Date:** | 3rd January 2024 | | |

**Planning Policies**

**South East Lincolnshire Local Plan - Adopted: March 2019**

| | |
|---|---|
| 01 | Spatial Strategy |
| 02 | Development Management |
| 36 | Vehicle and Cycle Parking |
| APPENDIX 6 | Parking Standards |

**National Guidance**

**National Planning Policy Framework 2023**

Section 9 - Promoting Sustainable Transport
Section 12 - Achieving well designed places

**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**

The proposal is for a householder application seeking permission for a proposed detached garage at Holmelea.

## Site Description

The site lies within the defined settlement boundary of Little Sutton as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). Holmelea is a bungalow made from bricks with a tiled roof, white windows and a green door, there are two bay windows on the front elevation with the roof slightly overhanging them in this instance. The existing driveway runs along the side of the property with a small shed situated along the southern curtilage. The properties along Hospital Drove vary in size and design with many being bungalows but there also being two storey houses alongside this.

## History

No relevant planning history.

## Consultation Responses

Lincolnshire County Council Highways Authority

No objection -

This property already has a vehicle access crossing and the proposed garage is to be built over the existing driveway, where vehicles are already being parked by the resident/applicant.

In consideration of this and 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.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk
and drainage proposals for this planning application.

South Holland Internal Drainage Board

No comments.

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.
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.

## Planning Considerations

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

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, contained within Section 12 of the National Planning Policy Framework (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 walls of the garage will be made from facing brickwork to match the existing dwelling with black sidings, the roof shall be clay pantiles with the windows being white uPVC. Finally, the side door shall be composite (to match the existing) and the garage door will be steel. These materials will match closely to that of the main dwelling and as such ensure the development will not stand out, the location of the garage being at the front of the site is something that is featured along this street and therefore this will not stand out and harm the locality.

The garage will have a total length of 14207mm with a width of 3517mm, as such, the garage will run from the front of the house to the rear being around a similar length to the host dwelling. To the eaves it shall be around 2500mm with the total height being 3500mm. The total internal floor space is therefore around 50m squared providing room for up to two vehicles being stored as tandem and a store area at the rear. It is considered that the garage is proportionate to the dwelling despite them being the same length, the width and floor space are significantly different in both shape and size and as such the development is acceptable.

The garage features a gable roof design on both ends which matches the roof design on the host dwelling and other dwellings in the area with one window at the rear and three on the northern side. An access door is provided on the side with the main garage door being featured on the front elevation.

Taking the above into account, the proposal is considered to be acceptable. The proposal would not cause an unacceptable adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Impact on Residential Amenity/ Land Users

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.

There shall be no overlooking as a result of the development being carried out, as mentioned previously, there shall be windows located on the northern side facing the main dwelling, as such the host dwelling will block any views this may provide. Additionally, the windows are around 1.8m above the ground level which is around the level of average head height so the views it could provide would be minimal anyway. Finally, the window at the rear will only look into the hosts rear garden and should not result in a loss of privacy due to the hedges and trees being located on the southern curtilage. As such, no overlook is considered to arise.

Furthermore, although there is a minimal distance between the proposal and the southern curtilage, the positioning of the garage means that no significant shadow would be cast onto the southern neighbour throughout the day. To further benefit this scheme, there are no neighbours to the front or rear that would lose a loss of light either. The aforementioned trees/ hedges will also result in the garage not appearing overbearing on any nearby neighbour.

Naturally, after the initial construction, which itself would take place over a short period, minimal additional noise pollution would be caused as a result of the development. The development is therefore acceptable in terms of resident amenity and the potential impacts for overshadowing and overlooking are considered to be minimal.

Parking Provision

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.

To further benefit this scheme, whilst the number of bedrooms within the house is unknown to the LPA, the garage provides two additional parking spaces further meaning that the residents are able to safely park their vehicles away from the highway and therefore not result in an unacceptable harm to highway safety. The proposal therefore conforms with Policy 36 and Appendix 6 of the SELLP.

## 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 inside the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming 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 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 the above considerations into account, the proposal is considered to be in accordance with policies 2, 3 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPFF) (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.