

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H11-0488-23 **Applicant:** Mr & Mrs R Kitchingman

Proposal: Extension to garage to create pool house & BBQ area - Retrospective

Location: Hall Marsh House 54 Little London Long Sutton

Terminal Date: 24th August 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	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 seeking permission for an extension to garage to create pool house and BBQ area (retrospective) at Hall Marsh House, 54 Little London. The development creates an indoor pool area with a small BBQ under a slight cover for the residents.

Site Description

The site is within the settlement boundary of Long Sutton as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). The property is a two storey dwelling with a large two storey garage in the rear garden made from the same materials as the existing property. There are a variety of trees and bushes in the rear garden providing cover by fronting the highway and adding privacy into the garden. The dwelling is adjacent to a large farm area with the nearest property being 20m across the road.

History

H11-0447-19 - Replacement garage with games room above - Approved

Consultation Responses

Long Sutton Parish Council

Objections - *'All retrospective applications are unacceptable. SHDC must enforce planning conditions in all cases and all retrospective applications should be refused. There is a practice of non-enforcement of planning conditions and amendments that benefit the application to the detriment of others. The neighbours should be consulted as they would have been if the correct planning process had been followed'*

South Holland Internal Drainage Board

No comments.

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 retrospective development is made of timber effect cladding where as the existing house and garage are made of brick and render. This means that the building can be considered to look somewhat out of place compared to existing buildings on site. However, despite this the development cannot be seen from the highway and no nearby residents will be able to see it due to it being concealed by the fence and hedge/trees within the surrounding area and therefore it won't have any impact on the locality. It could also be considered that by using different materials it breaks up the area slightly.

The pool house and BBQ area is approximately 12m long and runs from the south elevation of the existing garage until the end of their southern boundary, it is also around the same width as this garage (6m). When compared to the garage again, it is just under half height. It can therefore be considered that the size of it is acceptable and proportionate to the host dwelling and other surrounding buildings on the site.

It can therefore be considered that this retrospective development is in accordance with both Policies 2 & 3 of the SELLP and Section 12 of the NPPF despite the difference in material and other factors slightly going against it.

Impact 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 retrospective pool house and BBQ area would have no material impact on resident amenity. The nearest resident to Hall Marsh House that could potentially be overlooked is over 20m away. There would be no concerns regarding overshadowing or overlooking on the area or locality. There

are large trees fronting the main road and the surrounding area preventing this from happening and benefitting the proposal. Due to the development being carried out retrospectively, there will be no additional noise pollution.

The proposal is therefore in accordance with Policies 2 & 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Other Matters

PARISH COUNCIL COMMENT

Long Sutton Parish Council have commented on this application and as such have objected, their objection states -

- 'SHDC must enforce planning conditions in all cases and all retrospective applications should be refused'. There is no evidence or reason that is great enough to refuse the application and as such should be approved.

- 'The neighbours should be consulted as they would have been if the correct planning process had been followed'. The correct process was followed and the direct neighbours to the proposal were consulted as a result of the application, following this consultation no neighbours had any comments to make.

It can therefore be considered that despite the Parish Council's objection the application can still be approved due to there being no reason to refuse the application and the planning balance is therefore in favour.

Planning Balance

The extension to garage to create pool house & BBQ area (retrospective) would not greatly materially harm the character or appearance of the area. There would be no overshadowing or overlooking as a result due to the distance to neighbouring properties and the existing trees within the area. The overall design and materials being used are not in keeping with the property and the area however it will be concealed and not visible from the highway due to existing boundary treatments and various trees in the garden and therefore will not harm the locality.

This proposal is therefore considered to be in accordance with Policies 2 & 3 of the SELLP and Section 12 of the NPPF

Conclusion

The recommendation is for a 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.