DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H11-0907-23**	**Applicant:**	**Mr & Mrs R Wilkin**
Proposal:	Proposed Garage		
Location:	Dalspa 45 Delph Road Long Sutton		
Terminal Date:	8th December 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
02	Development Management
03	Design of New Development
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving well designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed garage in the rear garden of Dalspa, 45 Delph Road.

The proposed garage will be sited around 40m away from the rear of the existing dwelling on land that has recently been changed from agricultural land to domestic. A previous application was submitted but later withdrawn to the land not being considered to be within the domestic curtilage of the dwelling, as such, following on from this change of use a re-submission has now been received.

Site Description

The site lies outside the settlement boundary of Long Sutton as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP) and is therefore classed as being in the open countryside. The application site comprises a detached two storey dwelling located on Delph Road in Long Sutton. The dwelling is buff brick built with white door/window frames. There is a single flat roofed garage to the side and a gravelled driveway to the front providing off-street parking provision for several vehicles. the front boundary is enclosed by heavy planting. To the north/north-west of the site is open countryside. The immediate area is primarily residential comprising dwellings of varying sizes and styles.

History

H11-0103-22 - Proposed extension to side & rear of dwelling - Approved

H11-0071-23 - Proposed side and rear extension - re-submission of H11-103-22 - Approved

H11-0126-23 - Proposed garage - Withdrawn

H11-0655-23 - Change of use of agricultural land to domestic garden - Approved

Consultation Responses

Long Sutton Parish Council

No objections.

South Holland Internal Drainage Board

No comments. Consent may be required under Byelaw 3 but is not currently required under Section 23 or Byelaw 10.

South Holland District Council Environmental Health

No comments.

Lincolnshire County Council Historic Places Team

No archaeological impact.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, there has been no letter of representations.

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 (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 of the National Planning Policy Framework (NPPF), 2023 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. 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.

The garage will be made from the following materials, the walls and roof shall be made from Jubilee green box profile sheeting which is a dark green metal sheet. This would be a typical design of a large garage and could be considered to closely resemble that of a warehouse. There shall be two large roller doors on the western elevation which shall be made of steel. After conducting a site visit it was concluded that there are no other developments within the immediate area that are made of a similar material to this development and are also not of a similar design and scale. It is however, considered that the use of this material will be acceptable in this instance due to it being located at the very rear of the property and therefore should not harm the street scene, similarly there is a row of mature trees along the boundary where the garage will be located and this will limit the view from neighbouring properties.

The height to the eaves of the garage will sit at around 4000mm with the total height to the ridge being 5400mm. It will have a total length of 19460mm and a width of 9600mm, this mean it has a total internal floor space of approximately 186.81sqm. It could be considered that the size of this garage is substantial and therefore this could be seen as being disproportionate to the size of the dwelling and area. Based on a supporting document provided it clearly outlines what the garage will be used for, this shows that it will store personal vehicles, garden equipment, a tractor and a collector for lawn cuttings and hedge trimmings. Based on this, it can be seen that the overall size of the garage will provide adequate room to store the listed items as well as have extra spare room. Furthermore, as mentioned previously, the garage will be located around 40m behind the existing house and therefore should not be seen from the highway and cause an impact on the locality due to its size and stature. The existing mature trees will also provide cover to neighbours and block out the view of the garage, further limiting its potential impact. Finally, the size of the plot of land is a significant amount and therefore will not take a lot of land and look disproportionate to the area it is on. Despite the size, it is therefore considered to be acceptable.

This proposal is overall considered to be acceptable when compared to Policies 2 and 3 despite its large size and scale. There shall be minimal impact on the locality and street scene despite its large area and use of material.

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.

There will be no concerns surrounding overlooking as there will be no windows on the garage to provide a view into a neighbouring property, the doors will be on the western elevation and face land that is currently owned by the applicants and therefore will not result in a loss of privacy on a neighbour.

Finally, as mentioned, the development will be very substantial in size and stature and will be built on the boundary nearest to the neighbouring property and this could be considered to raise some concerns regarding the potential for overshadowing. However, there is a long row of tall mature trees on this curtilage which are much higher than the garage and therefore any shadow that the garage could cast onto this neighbour would be significantly reduced and the existing trees would therefore block this from happening. As such, this would also reduce the potential for the garage to be seen as overbearing on the neighbouring property. This proposal is therefore not considered to be overbearing on the neighbours and will not cast a shadow due to the trees.

In any case, it is important to give consideration in the event of the trees potentially being removed at a later date, in this instance, it is considered that in this event the proposed garage is set far enough back so that it would not cause any harm on neighbouring dwellings and any harm it may cause would be to outbuildings and garden space which is not considered to be habitable areas. As such, if the trees were to be removed the proposed garage would still be acceptable.

The proposal is therefore in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF in regards to the impact on resident amenity.

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 outside the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality or the amenity of nearby resident and is seen as acceptable. Overall, the development conforms with the South East Lincolnshire Local Plan for the most part and the provisions of the National Planning policy Framework when viewed as a whole.

Conclusion

Taking the above considerations into account, the proposal is, for the most part, considered to be in accordance with Policies 2 & 3 of the SELLP, along with the identified sections contained within the NPPF. The are some factors in this case that indicate against the proposal, these are the size of the development and the potential impact on resident amenity this could cause. However, these are not significant factors and do not outweigh the consideration in favour of the proposal and the policies referred to above

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.

Recommendation

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