

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H12-0287-21 **Applicant:** Mr N Crouch
Proposal: Erection of garage (retrospective)
Location: Newhaven Lutton Gowts Lutton
Terminal Date: 19th May 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development

National Guidance

National Planning Policy Framework 2019

Section 12- Achieving well designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission retrospectively for a garage, as well as to replace the existing roof at Newhaven, Lutton Gowts.

Site Description

The site accommodates a detached bungalow, which is set well back from the road. This is typical of the frontage development along this side of the road. There is a large gravelled driveway to the front of the property, with a 1m high fence as the front boundary treatment. The garage is situated in the south-western corner of the plot and is slightly screened by mature hedges and a tree.

History

H12-1180-92- Approved 14-01-93- New vehicle access and drive.

Consultation Responses

No consultation responses received.

Planning Considerations

Layout, Design, Size and Scale

Paragraph 127 of the National Planning Policy Framework (NPPF), 2019 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and 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 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 garage measures approx. 4.4m by 6m and the proposed maximum roof height is approx. 3.85m. The roof height will be raised by nearly a 1m in height, and will remain a gable pitched roof as existing. Having regard to the existing dimensions of the house and surrounding curtilage, the garage and proposed replacement roof are acceptable in terms of scale, mass and bulk.

The external materials include precast concrete walls and plastic windows and doors. The precast concrete walls are a similar colour to the existing bungalow on the property and compliment it well. The proposed replacement roof materials include light weight plastic slate effect tiles, which will compliment the existing roof tiles of the bungalow. The garage is sited forward of the dwelling, however it is at a lower level than the carriageway and is mostly screened by hedging, shrubs and a large tree. In light of this, the external appearance and siting is considered appropriate in terms of visual amenity.

Taking the above into account, the garage and proposed replacement roof is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2019 in terms of layout, design, size and scale.

Impact upon Residential Amenity

It is not considered that raising the roof of the garage would have a material overshadowing impact upon the neighbouring property to the south taking into account the path of the sun. There are also no windows to the side or rear elevation of the garage to create an overlooking aspect. No resident objections have been received to the proposal.

Taking the above into account, the garage and proposed replacement roof are deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2019 in terms of residential amenity.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The garage and proposed replacement roof does/will not materially harm the character or appearance of the locality or amenity of nearby residents. It is therefore considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

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

The recommendation is for a delegated approval.