DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0008-23**	**Applicant:**	**Mr M Drury**
Proposal:	Replacement of outbuilding with garage		
Location:	2 High Street Moulton Spalding		
Terminal Date:	3rd March 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well-designed places
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is householder application seeking planning permission to demolish the existing outbuilding and erect a single garage/store to the rear of the site. The building would measure 4.5 metres (with) x 8.4 metres (depth) and stand at 3.9 metres in height (2.3 metres to the eaves). It would have a natural slate roof, wise old sage facias, grey doors (design details to be confirmed) and painted render walls (colour finish to be confirmed).

Site Description

The application site is located on High Street within the Moulton Conservation Area and in close proximity to several listed buildings. The site comprises a 3 storey dwelling located immediately adjacent to the highway. There is an outbuilding located towards the rear of the site which is mainly constructed from breeze blocks with part painted render finish. There is currently a gravelled area in front of the outbuilding. presumably used for parking. There are 2no new built dwellings to the north of the site, built on land which was originally part of the curtilage of no.2 High Street.

History

H13-0171-09 - Full - Change of use of room from hairdressers to residential and alterations to include new roof, replace windows and internal alterations - Granted 12 May 2009.

H13-0415-09 - C/C - Details of roof tiles and windows (Conditions 2 and 3 of H13/0171/09) - Approved 30 June 2009.

H13-0805-21 - Full - Conversion and extension of swimming pool enclosure to form yoga studio for mothers and babies - Granted 27 September 2021.

H13-1337-21 - Conversion & extension of swimming pool enclosure to form yoga studio for mothers and babies - approved under H13-0805-21. Modification of Condition 2 to allow amendments to previously approved plans and removal of Conditions 5 & 6 relating to roof tiles & roof lights - Approved 18 March 2022

Consultation Responses

Historic Environment Officer

No archaeological input required.

Conservation Officer

No objections to the proposed replacement garage. Whilst this is situated on the grounds of a listed building, the structure this seeks to replace is of no value to the setting and is in a poor state. Replacement with a structure of higher quality materials should be viewed as a potential positive and therefore can be considered to represent an opportunity to improve the listed site's setting. Should the officer recommend approval, this should be accompanied with conditions to ensure the details of the proposed doors (including garage doors) are submitted and approved in writing prior to installation, in order to guarantee that the materials used are fully appropriate to the sensitive setting.

Planning Considerations

Principle of development

The site is within the Moulton settlement boundary and the proposed outbuilding would be sited within the residential curtilage of the existing dwelling and used as an ancillary building therefore the principle of an ancillary building is acceptable.

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 key material considerations are addressed below.

Design and layout

Paragraph 130 of 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; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 197 of the NPPF states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. Policy 29 of the SELLP states that development proposals will conserve and enhance the character and appearance of designated and non-designated heritage assets including conservation areas.

The proposed replacement building is considered well designed and in keeping with the street scene. The existing garage is rather incongruous as it has been altered over the years and now has a mismatch of materials. Whilst the replacement building would have a bigger footprint to the existing garage and would bring it closer to the front boundary, it is still considered proportionate to the site. It would be sited approximately 6 metres back from the highway therefore it would not appear overly prominent in the street scene.

The Council's Conservation Officer has not raised any objections to the proposed scheme and has advised that whilst the building is situated on the grounds of a listed building, the existing structure proposed to be demolished is of no value to the setting and is in a poor state. As such its replacement with a structure of higher quality materials would improve the overall appearance of the site. It has been advised that conditions are attached to the planning permission requiring the approval of the proposed doors to ensure the materials used are fully appropriate to the sensitive setting of the listed buildings. As such a condition has been attached requesting details of the proposed doors as well as colour of the render finish.

As such the development is considered acceptable in terms of its impact on the conservation area and the character of the existing dwelling and therefore accords with Policies 2, 3 and 29 of the SELLP and the Sections 12 and 16 of the NPPF.

Residential amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The neighbour closest to the proposed development is the new dwelling currently under construction to the north-west of the application site. The outbuilding would be sited close to the shared boundary with this neighbour. Given the replacement building would be sited in a similar position to the existing, the relationship with this neighbour is not considered to change significantly. The replacement building would have a greater front projection, however, given the front projecting element would be sited adjacent to this neighbour blank side elevation no unacceptable impact is considered to result. Overall the proposed replacement building would have a relatively modest footprint and eaves height therefore no overbearing impact or unacceptable overshadowing would result.

The only other closest immediate neighbour is no.6 High Street located to the east of the application site. The replacement building would be sited at least 10 metres from this neighbours boundary. This separation distance is considered sufficient as to not result in any overbearing impact or unacceptable overshadowing.

As such, the proposals are not considered to unacceptably harm the residential amenity of adjacent neighbours by reason of unacceptable overshadowing or overlooking.

Parking

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car

parking provision. It is unclear how may bedrooms the existing dwelling has, however, a maximum of 3no spaces would be required. The proposed scheme is considered to improve the parking situation on the site. The existing garage is not adequate for a vehicle therefore it cannot be considered a formal parking space. The proposed garage would be better positioned and can comfortably accommodate a vehicle. The space to the front (part of which is currently enclosed by fencing to accommodate the adjacent new build) can accommodate 2 further vehicles therefore the site provides the maximum number of off-street parking spaces required for a dwelling. As such the scheme is considered to improve the parking for the site and comply with the current parking standards.

Planning Balance

The proposal will not materially harm the character or appearance of the Conservation Area, the amenity of nearby residents or result in parking issues. The planning balance is therefore considered to be in favour of the proposal.

Conclusion

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.

Taking into account the above, this application accords with Policies 1, 2, 3, 29, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 12 and 16 of National Planning Policy Framework (2021).

Accordingly, it is recommended to approve this application via delegated powers.

Additional Considerations

None.

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

The application can be approved under delegated powers.