DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0103-24**	**Applicant:**	**Mr S Melton**
Proposal:	Proposed double garage with storage room above		
Location:	Buck Cottage Middle Marsh Road Moulton Marsh		
Terminal Date:	3rd April 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving well designed and beautiful 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 for a proposed double garage with a storage room above at Buck Cottage, Middle Marsh Road., Moulton Marsh.

Site Description

The site is located outside of any defined settlement boundaries as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP) and is therefore classed as being in the open countryside. Buck Cottage is a semi-detached dwelling sharing its south east boundary with Keyal Cottage, both properties are made from a light green render on brickwork with the application site featuring a small garage side extension and rear extension section made from red brickwork with a grey tiled roof and garage roller door. It also has a wooden garage with a black roller door to the east.

History

H13-0278-17 - Alterations and extension - Approved

H13-0496-17 - Details of brick schedule (Condition 3 of H13-0278-17) - Approved

Consultation Responses

No consultation responses have been received.

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.

Key Planning Considerations

The main issues and considerations in this case are (but not limited to):

- Layout, design and impact on the character of the area
- Impact on neighbouring residents/ land users/ land use

Planning Considerations

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

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful 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 135, contained within Section 12 of the National Planning Policy Framework (December 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 extension shall be LBC bricks, the roof will be slate and the windows will be white uPVC. Whilst the bricks will not match the existing render on the main house they will match the extension to the rear and therefore despite there being a conflict in this instance there is already a precedent of brickwork on the site and the application should be acceptable.

The proposed double garage will have a total height of around 6700mm and shall protrude from the side by around 7100mm having a total length of 7100mm as well. The height of the extension means that it is slightly less than the host dwelling to both the eaves and ridge, because of this the height could be considered to be disproportionate to the host dwelling however it will be of a similar size in terms of height and will be smaller in terms of floor space than the aforementioned previously approved extension and therefore in comparison to this is acceptable. It could be considered that by situating a large double garage level with the front elevation of the host dwelling it could cause some harm to the street scene however Buck Cottage already has a garage on the side elevation as well as a detached outbuilding adjacent to this and therefore this garage should not harm the street scene in this instance.

It shall incorporate a gable roof design to match the existing house and others nearby as well as two roller shutter doors on the principal elevation for access in and out of the garage. There shall be two roof lights for natural light into the storage room with stairs providing access to the first floor. There will be no internal alterations in the main house with some external changes, the windows on the side elevation will be blocked up due to the positioning of the extension and the existing garage will be demolished to make way for this extension.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area. Whilst it is not in direct accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023) it is considered to be justified as to why it is acceptable in this instance.

Impact on Residential Amenity/ Land Users

Paragraph 135 of the National Planning Policy Framework (December 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 material overshadowing as a result of this development, there are no dwellings adjacent to the location of the proposed double garage and therefore no shadow can be cast onto a neighbouring plot. The dwellings across the road and on the opposite side have adequate separation distances/ barriers to prevent a shadow being cast; in this regard the development is acceptable.

Furthermore, there will also be no overlooking due to the nature of the development being a double garage with a storage room and is therefore not a habitable room. In any case, there are no windows on any elevation apart from the roof lights although these are facing away from neighbours and therefore no material privacy should be lost.

Despite the size of the development it is also not considered to be overbearing on the area due to the separation distances between each site and there being a precedent set from the existing extensions to the rear as well as there being a side extension garage and detached outbuilding in the same area as the proposed development.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

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 amenity of nearby residents, and causes no unacceptable impact on the highway, 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 significantly 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 into consideration these factors, the proposal is considered to not directly comply with Policies 2, 3, 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPFF) (December 2023) but has been justified as to why it is acceptable and should therefore be approved. These are not 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.