DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H13-0170-20**	**Applicant:**	**Mr & Mrs S Forsyth**
Proposal:	Proposed double garage and garden room extensions - re-submission of H13-0700-19		
Location:	38 Broad Lane Moulton Spalding		
Terminal Date:	13th April 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
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 planning application that seeks proposed double garage and garden room extensions at 38 Broad Lane, Moulton, Spalding.

It is a re-submission of the development approved under application ref. H13-0700-19. The main alteration is the increase of the gable pitch height of the double garage to create an additional storey for storage.

Site Description

The site is part of frontage development on the eastern side of Broad Lane. The area is solely residential. Individually designed detached houses standing within rectangular shaped plots is the most common development in the vicinity. The application site has a large and spacious rear garden laid to lawn. The property is a modern two-storey 'brick-and-tile' house with subsequent extensions.

History

H13-1523-07 - Proposed two-storey extension and alterations - Refused & Appeal Dismissed

H13-0189-08 - Proposed two-storey extension and alterations (re-application of H13/1523/07) - Approved

H13-0700-19 - Proposed double garage and garden room extensions - Approved

Consultation Responses

None.

Planning Considerations

Principle of development

The previous permission H13-0700-19 secured the principle of development of a proposed double garage and garden room extensions. The material alteration hereby presented does not entail any substantial change to the nature of the proposal. Thus, the principle of development remains.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 establishes that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting, among other considerations. 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 as per Policy 2 of the SELLP.

The pitch height of the garage will increase from 5.25 to 6.65 metres. The eaves will raise from 3 to 4.50 metres. The footprint will remain the same. The proposed garage will still appear subservient to the host property.

The external materials will be facing brick and roof tiles matching those existing in the dwellinghouse. Thus, the visual amenity will not result adversely affected due to the development.

For these reasons, the form of development and appearance will be appropriate with the host property and, by extension, the character of the local area. The design is deemed in keeping with the existing without causing any deterioration of the quality standards. Thus, the proposal comply with the aforementioned policies.

Residential amenity

There are two first floor windows on the opposite elevation to the garage which is the north-eastern elevation of the adjacent property No. 40a.

No harm was anticipated upon residential amenity of the occupiers of No. 40a. in the previous application. The proposed increase in height is considered to be such that no overbearing impact neither overshadowing will likely occur, particularly given that the application site is to the north of that property. Therefore, the development complies with residential amenity which is one of the key principles of design and development management as set out in Policies 2 and 3 of SELLP (2019).

Conclusion

Taking into account the considerations above, the proposal is considered to comply with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019 as well as Section 12 of the National Planning Policy Framework (NPFF), 2019.

It is accordingly recommended to approve this planning application via delegated powers.

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.