DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0301-22**	**Applicant:**	**Mr & Mrs M Moore**
Proposal:	Adjoining garage and raised decking to rear of property		
Location:	The Hollies 25b West Cob Gate Moulton		
Terminal Date:	27th May 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2021

Sectio 12- Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for an adjoining garage and raised decking to the rear of the property at The Hollies, 25A West Cob Gate, Moulton.

Site Description

The site is located to the rear of numbers 25A and 27 West Cob Gate and also adjoins the rear gardens of numbers 25 and 29, as well as properties fronting Broad Lane. The existing properties in the area are varied in terms of type, design, appearance and age.

The site is within the defined settlement limit for Moulton as set out in the South East Lincolnshire Local Plan, 2019.

Relevant History

H13-0381-18- Approved on 10-08-18- Proposed 3 bed bungalow.

Consultation Responses

2 no. public objections received

- Overdevelopment of the site.
- Impact on light and privacy

Planning Considerations

Layout, Design, Size and Scale

Paragraph 130 of the 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; 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 raised decking will be situated to the rear of the property off the south west and south east elevations of the open plan kitchen/dining/living room. The raised decking will measure approx. 6m by 4m. The decking will be raised approx. 150mm above ground level. There is no objection to this in visual terms given the scale.

The proposed adjoining garage is to protrude from the south east facing wall of the living room and bedroom 2, and will measure approx. 4.9m in width by 6.3m in depth. It would have a maximum roof height of approx. 3.9m, which is approx. 1.3m lower that the existing roof pitch of the bungalow. The proposed garage will be made from composite cladding on walls, concrete roof tiles and composite garage door, which will match those existing in the property. As it is located to the rear of a frontage dwelling, it will not have a material impact on the street scene. Whilst the plot is a modest size, it is no smaller than either no's. 25 or 27A to the front and an acceptable amount of external amenity space would remain once the garage is built. It is therefore not considered that it would constitute overdevelopment of the site.

Taking the above into account, the proposed raised decking and adjoining garage are deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale.

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 proposed adjoining garage has been designed so that its ridge height sits lower than the existing bungalow at approx. 3.9m, with an eaves height of approx. 2.4m. It would be approx. 14.5m from the rear elevation of no. 25A. It would be closer to the conservatory of no. 27 (approx. 7.7m at closest point), but would be set at an angle. The only other facing windows to that property are understood to be to non-habitable spaces (utility and bathrooms). In light of this, and the fact that the garage is sited to the north of these properties, it is not considered that there will be a material overbearing or overshadowing impact upon these dwellings. The proposed garage also does not include any windows to the elevations, therefore overlooking is not considered to be an issue.

The raised decking will be raised approx. 150mm above ground level. Based on the submitted site

section, average eye height would fall around the top of the boundary fence. Therefore to prevent any adverse overlooking impact in a south-easterly direction, it has been agreed that 300mm high privacy trellis will be installed along that boundary at the top of the fence in line with the decking, and an appropriate condition will be applied.

Taking the above into account, the proposed raised decking and adjoining garage are deemed to satisfactorily comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 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 proposed raised decking and adjoining garage 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.

Conclusion

The recommendation is for a delegated approval.

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.