

DECISION DELEGATED TO DEVELOPMENT MANAGER**DECISION DELEGATED TO DEVELOPMENT MANAGER**

Application No: H13-0392-21 **Applicant:** Mr L Salter

Proposal: Proposed double garage and games room/gym with annexe above and swimming pool extension

Location: 14a Broad Lane Moulton Spalding

Terminal Date: 13th September 2021

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

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****NPPF 2021**

Section 12 - Achieving well-designed places

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
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application seeking permission for a double detached garage and games room/gym and an annexe above to the front of the existing dwelling. A swimming pool structure is also proposed at the rear of the existing dwelling. The external materials would match the materials of the existing dwelling.

SITE DESCRIPTION

The site currently contains a detached dwelling located on Broad Lane in Moulton. It is accessed via a private drive between 14 and 16 Broad Lane. The property benefits from a large gravelled driveway with off-street parking provision for several vehicles. the site is enclosed by high level boundary trees/hedges. The site is adjacent to the Moulton Conservation Area. The immediate area comprises detached dwellings of varying size/designs.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

Historic Environment Officer

No archaeological impact.

Moulton Parish Council

No.3 Hawthorn Chase is not shown on the plans and have not been notified of the planning application so would like further clarification/assistance on this.

Residents

The adjacent neighbour at no.35 High Street has objected to the scheme siting the following concerns:

- Overshadowing from the pool structure
- Loss of privacy
- Noise and disturbance when the pool is being used
- Potential water damage from pool leakage
- Overhanging tree branches have been partially removed and it is understood that they will be removed altogether
- Concerns the pool may be used for commercial purposes

The neighbour to the north at no.3 Hawthorn Chase has objected to the scheme siting the following concerns:

- Failure to notify neighbour of application
- Inaccuracies within the application regarding trees. It is not clear if any trees are being removed
- The proposed building will result in overbearing impact
- Overshadowing and loss of daylight
- Reduced efficiency of solar panels

PLANNING CONSIDERATIONS

Layout, Design, Size and Scale

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. 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 its uses.

There would not be any prominent views of the proposed detached building from the main public realm given the siting of the proposed building and location of the site with it being set at least 40 metres back from Broad Lane. The building would be subservient to the main dwelling and take on the appearance of a domestic outbuilding. It is considered that it would not materially harm the street scene or the character or appearance of the locality. Overall, the size and external appearance of the proposal would not be at odds with the existing dwelling on the site or the immediate area.

The proposed swimming pool building would have a large footprint, however, it can be comfortably accommodated as the property sits on a generous sized plot. This element would sit behind the existing house therefore again there would not be any views of it from the main public realm. As such there would be very little impact on the street scene. Furthermore the use of materials matching the existing dwelling would ensure the extension and the outbuilding would be in keeping with the existing dwelling.

In summary, the proposals are visually acceptable within the locality and comply with Policies 2 and 3 of the SELLP and Section 130 of the NPPF.

Impacts upon Residential Amenity

The adjacent neighbour at no.35 High Street has objected to the scheme siting concerns of overshadowing from the pool structure, loss of privacy and noise and disturbance when the pool is being used. The concerns are noted, however, given the domestic nature of the proposed pool and the fact it would be used in conjunction with the existing dwelling it is not considered that the noise/disturbance would be any different to what can be expected from a residential dwelling. The proposal would not create any new activities not already associated with the existing dwelling. With regards to potential overshadowing and loss of privacy resulting from the proposed pool extension it is not considered that there would be any unacceptable impact given the orientation of the property. The proposed structure would be sited close to the shared boundary with this neighbour, however given the fact this neighbour has a large rear garden, any overbearing impact immediately adjacent to the boundary can on balance be accepted.

The neighbour at no.3 Hawthorn chase located to the north of the application site also objected to the proposal on grounds of failure to notify neighbour of application, inaccuracies within the application regarding trees (it is not clear if any trees are being removed), the proposed building will result in overbearing impact, overshadowing and loss of daylight and reduced efficiency of solar panels due to loss of sunlight.

The concerns are noted and regarding the first point about failure to notify this neighbour of the application, this was due to a system error. Following the concerns raised by this neighbour a full re-consultation was undertaken to allow all relevant parties a chance to comment on the application. With regards to the trees along the shared boundary the applicant has stated that these are not proposed to be removed. A condition has been appended requiring the retention of the trees along the northern boundary to protect the amenity of this neighbour. The proposed building would be located approximately 2 metres from the boundary therefore these trees are not considered to be impacted. The proposed building is not considered to result in overbearing impact or unacceptable overshadowing/loss of light on this neighbour given the roof would face away from this neighbour, thereby reducing the impact. In addition, the site is well enclosed by high level trees/hedges therefore the majority of the building would not be visible to this neighbour. With regards to the concerns raised regarding loss of daylight and reduced efficiency of the solar panels, again the concerns are noted, however it is not considered that any unacceptable impact would result from the proposed development as there are high level trees along the northern boundary of the site and the proposed outbuilding would not be higher than the trees. As such any impact in terms of loss of daylight would be from the existing trees.

As such the proposal would accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Parking

It is unknown the current number of bedrooms within the existing dwelling. Appendix 6 of SELLP 2019 sets out the highest number of car spaces is 3 for dwellings with 4 or more bedrooms. The remaining driveway is able to accommodate 4no cars if needed. As such the site exceeds the

current parking standards.

Other matters

The neighbour at no.35 High Street has objected to the proposed scheme citing concerns of potential water damage to their property from possible future pool leakages. The concerns are noted, however, this would be a civil matter and not something that can be controlled under planning. Concerns were also raised that the pool may be used for commercial purposes. Again the concerns are noted. However, the applicant has not indicated any such intention and a condition has also been attached to ensure the proposed development remains ancillary to the existing dwelling.

No.35 High Street has also highlighted that the applicant has partially removed overhanging tree branches and are likely to remove the remaining ones. The concerns are noted, however, the trees in question are not protected therefore planning permission is not required and property owners are within their rights to remove overhanging branches.

Planning Balance

The proposal will not materially harm the character or appearance of the locality or amenity of nearby residents. The planning balance is therefore considered to be in favour of the proposal.

CONCLUSION

In light of the considerations above, the proposal is considered to be in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (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.

RECOMMENDATION

The application can be approved under delegated powers.