

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H14-0639-21 **Applicant:** Mr J Bowser
Proposal: Erection of double garage - retrospective
Location: 3 Oldham Drive Pinchbeck Spalding
Terminal Date: 13th August 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
36 Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework 2019

NPPF 2021

Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a retrospective householder application seeking permission for a detached double garage to the rear of the site. The garage measures 4.2 (width) metres x 6.2 metres (depth) and stands at 2.5 metres in height. It is constructed using sustainable siberian larch and black rubber roof with grey fascias and doors.

SITE DESCRIPTION

The property is a two storey semi-detached dwelling located on Oldham Drive in Pinchbeck. The site benefits from a gravelled driveway to the front/side. The rear garden is enclosed by a boundary fence on northern side but is fairly open on the eastern boundary.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

Pinchbeck Parish Council

Objection as the building is too close to the neighbouring property.

Resident

The neighbour at no.1 Oldham Drive raised concerns with regards to the future use of the building and its close proximity to existing dwellings. It is requested that a noise related condition is placed to protect future residential amenity should a future occupier decide to use it as a hobby workshop.

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 garage may be visible from the street, however, given it is located some 33 metres from the front boundary it would not appear overly prominent. The footprint and height of the garage is modest and in keeping with the plot. Furthermore given the large plot the proposed development is not considered to result in overdevelopment of the site.

As such the development on balance complies with the aforementioned policies on design, layout and impact upon the character of the local area.

Impacts upon Residential Amenity

Pinchbeck Parish Council and no.1 Oldham Drive have raised concerns with regards to close proximity of the garage to the boundary and concerns of noise from the future use of the building. The concerns are noted, however, given the low height of the building (2.5 metres) it is not considered to result in any overbearing impact. With regards to concerns of noise and future use, the garage is residential and any activities associated with a residential property could not reasonably be resisted.

The neighbour closest to the development is no.2 Oldham Drive. The garage sits close to the shared boundary with this neighbour, however, given the applicant could erect a boundary fence sitting at 2 metres in height, the garage is not considered to result in significantly greater impact than this. In addition, the garage is located some 12 metres from this neighbour's house therefore no impact would result on the house or the amenity space immediately adjacent to the house. This neighbour has a large garden so any impact on a small part of the garden can on balance be accepted.

With regards to the neighbour to the north at no.4 Oldham Drive the garage is located approximately 5 metres from the shared boundary with this neighbour. Given the modest footprint and height of the building, this separation distance is considered sufficient as to not result in any overbearing impact or unacceptable overshadowing.

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

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision. The proposed scheme does impact the existing parking arrangements for the site and would create an additional enclosed parking space. As such the scheme is considered to comply with the current parking standards.

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 2, 3 and 36 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (2021).

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.