DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0759-22**	**Applicant:**	**Mr J Taylor**
Proposal:	Detached garage and new vehicular access.		
Location:	39 Starlode Drove West Pinchbeck Spalding		
Terminal Date:	13th December 2022		

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 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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application, seeking planning permission for a proposed detached garage and new vehicular access to the property at 39 Starlode Drove, West Pinchbeck.

Site Description

The property is a semi-detached dwelling situated to the south of Starlode Drove. The site is located within the defined settlement of Northgate, according to the South East Lincolnshire Local Plan, 2019. This section of the road is formed from frontage residential development, all of a similar appearance and design.

The dwelling is set back from the road and has a large grassed front garden. The road is at a higher level, with a slight slope to the entrance of the property, with a pedestrian path in between the road and the site. The site and the surrounding dwellings have long, narrow and spacious rear gardens, with a wide access to the rear of the property.

History

No relevant planning history.

Consultation Responses

Resident objections(1)

- Too close to the boundary
- Is a large apple tree being removed
- Is this for residential use only, concerns over being commercial as it will raise noise and disturbance issues

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

The proposal is for a detached garage and new vehicular access, there is good visibility and overall, the Highway Authority see the application as acceptable. However, there is a considerable height difference between the carriageway and footpath. At this early stage, please make the applicant aware that when they submit the application to the vehicle crossing team, there may be additional work to raise the footway.

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 proposed detached garage will measure approx. 6.3m by 6.3m, with an overall height of approx. 4.3m. The proposed roof structure will be formed from a dual pitched roof and will be of a similar appearance to the original dwelling. Overall, having regard to the positioning of the proposed garage set back from the road and the rest of the curtilage, the proposed detached garage is considered acceptable in terms of scale, mass and bulk.

The proposed materials include an external white rendered finish, with red facing brickwork to the damp course level and interlocking shingle brown roof tiles. Metal garage doors and a PVC side door is proposed to the external walls of the garage. Although the proposed materials, in particular the rendering, are considered to be a contrast from the existing dwelling, it is set back from the road by approx. 14.4m and it would not therefore have a detrimental impact upon the visual amenity.

Taking the above into account, the proposed detached garage and the vehicular access is 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.

Highway Safety

Given the nature of the proposal, one of the key matters for consideration is highway safety.

The vehicular access is proposed to be approx. 4.2m in width to the front of the house, including the end transitions. This will allow more convenient access for parking for occupants of the property.

The Highway Authority have not objected to the proposal on highway safety grounds. However, they have raised that there is a considerable height difference between the carriageway and the footpath. They raise that once the application is submitted to the vehicle crossing team, that there may be additional work required to raise the footway.

Given the above, the proposal is considered to be in accordance with Policies 2 and 3 of the Local Plan. Policy 2 requires sustainable development considerations to be met, including with regard to access. Policy 3 requires development proposals to consider the layout of parking. It is also in accordance with Section 9 of the National Planning Policy Framework (2019) which requires development proposals to ensure safe and suitable access for all users.

Residential Amenity

Paragraph 130 of the 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 detached garage will be a minimum of approx. 520mm away from the neighbouring boundary to the east. An objection raised concerns over the closeness to the boundary, however, the direct neighbour has not made any objection and on balance the distances from the site boundaries (approx. 19m to southern boundary and minimum of 6m to western boundary) are considered acceptable in view of the single storey nature of the development.

There are no windows proposed to the detached garage, therefore there would be no material overlooking impact.

Taking the above into account, the proposed detached garage and new vehicular access is deemed to 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 detached garage and vehicular access will not materially harm the character or appearance of the locality, the amenity of nearby residents or highway safety. It is therefore considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Conclusion

Based on the reasons outlined above, 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.