

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0004-23 **Applicant:** Mr & Mrs J Brown
Proposal: Proposed detached car port & alterations to dwelling
Location: 45 Woolram Wygate Spalding
Terminal Date: 1st March 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
04 Approach to Flood Risk
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
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	1	0	0	2

CASE OFFICER ASSESSMENT

Proposal

The proposal is for the construction of a detached carport and interior alterations to the property at 45 Woolram Wygate.

The interior alterations involve the conversion of the existing garage to a kitchen and the replacement of the garage doors with windows. The current kitchen would be converted to a family room, with glass doors replacing the windows.

The proposed car port measures 6500mm (width) by 5150mm (depth). The car port would feature a dual pitched roof, tiled to match the existing house. To the eaves this would measure approximately 2200mm, with a height of approximately 4400mm to its peak. The walls would be of black cladding to match the existing dormer windows.

Site Description

The proposal would be located to the front of 45 Woolram Wygate. The site is currently a grassy area at the end of the property's driveway. There would be a distance of 880mm between the car port and the northern boundary and a distance of 6000mm between the car port and the eastern boundary. The boundary treatment is a 1500mm (approximately) high hedge.

Both adjacent dwellings have detached garages to their front. Within the wider area, car ports and detached garages are common.

Relevant History

No relevant history.

Consultation Responses

Highway and Lead Local Flood Authority

"No objection. The proposed conversion of this property's existing double garage to create additional ground floor accommodation and the provision of a new car port as a replacement for the garage, would not be expected to have an unacceptable impact upon highway safety. The existing access arrangement will not change, and the front area of the property is large enough to accommodate the car port and for there to still remain sufficient space for vehicle manoeuvring and some additional outside vehicle parking. Accordingly, the highway authority does not wish to object to the grant of Consent for this Application."

Welland and Deepings Internal Drainage Board

The Internal Drainage Board requested the proposals be amended, as in their original state the plans contradicted the Byelaw 10 of the Board's Development Control Byelaws. They have since withdrawn their initial objections, stating:

"Since my previous comments dated 12th January 2023, I have held informal discussions with the agent and a subsequent site meeting which has resulted in this amendment being submitted. I am pleased to see the revised submitted plan which clearly displays a clear 6m distance between the proposed permanent structure and the Board's Woolram Wygate School Dyke pipeline.

Having seen the revision to the proposals, I am now happy to lift my previous object on the condition that an application is made for a relaxation of the 9m byelaw down to no closer than 6m from Woolram Wyke School Dyke pipeline in advance of works starting on site should planning permission be gained"

Resident Comments

One objection received (summarised)

- Objections to the height of the carport
- Objections to the design of the roof and building as a whole
- Development would be out of character
- Potential for overshadowing

Two comments received (summarised)

- No objections to internal alterations
- Excessive height of the carport
- Description of a carport is incorrect
- Overshadowing of main living space
- The black cladding would make the carport appear oppressive and would be out of character.

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. That they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the South-East Lincolnshire Local Plan (SELLP), 2019 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 black cladding would create a prominent visual contrast with the street scene as a whole. Currently, black cladding is used as a feature material on the property's windows. Similar black highlighting is seen periodically on properties in the wider area. Despite this modicum of black cladding, the material is not established enough as to assimilate the proposed design into the location. Therefore, the proposed car port would create a visual conflict with the wider area and would not be in keeping with the sense of character of the neighbourhood.

The floor area of the car port is not deemed excessive. It would be comparable in size to its counterparts in the community. However, the height is considered excessive. It would add to the prominence of the design and would result in an incongruous and alien feature.

Taking the above into account, the proposal is considered to conflict with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of design.

Impacts Upon Resident Amenity

Paragraph 130 of NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The significant height difference between the proposed design and the existing boundary treatment means there is the potential for overshadowing on the property to the north (47 Woolram Wygate). Due to the small distance (880mm) to the boundary, the potential for overshadowing is considered significant. The carport would prevent light entering the southern ground floor window of 47 Woolram Wygate. This window connects onto the 47 Woolram Wygate's living room. As such, any loss of light would be felt severely. These comments have been echoed in the comments and objections of the neighbours.

There would be no windows on the proposed car port, therefore, no overlooking would be created here. The new windows on the dwelling's principal elevation would create no additional overlooking as they would face onto the property's private drive.

Taking the above into account, the proposed car port is considered to conflict with Policies 2 and 3 of the SELLP and Section 12 of the NPPF in terms of residential amenity due to the potential for overshadowing.

Highway Concerns

The relevant consultees from the Highways Department raise no objections to the proposal and do not wish to restrict the granting of permission. The plot is large enough to accommodate the car port and for there still to be sufficient space for cars to safely manoeuvre.

The loss of parking space caused by the internal alterations would be directly replaced by the car port. Therefore, there would be no loss of parking space and the proposal would still conform to

Policy 36 and Appendix 6 of the SELLP.

Therefore, from a highway perspective, the proposal is acceptable.

Drainage Concerns

The Internal Drainage Board previously raised objections to the proposal, stating that the proposal would infringe upon the nine-metre distance of the Board's Woolram Wygate School Dyke pipeline. This was in direct contradiction of Byelaw 10 of the Internal Drainage Board Development Control Byelaws.

These concerns were addressed in the amended plans, which created a six-metre separation distance between the pipeline and the carport. This distance was agreed with an approved by the Internal Drainage Board.

As such the proposal is acceptable in drainage terms.

Planning Balance

The black cladding covering the proposed would create a jarring visual contrast with the immediate area. While the material is seen in the area, it is not common enough as to incorporate the design with the neighbourhood. As a result, the proposed would be incongruous to the locale. This jarring contrast has been referenced in the neighbour consultee comments, who as well as commenting on the black cladding, refer to the height of the carport being out of keeping with the area. Objections have been raised regarding the design, with objectors stating that the material and design would be oppressive and out of character within the locale.

No overlooking would be created by the proposal.

The overshadowing that would be created is considered a significant concern. The light entering the living room of 47 Woolram Wygate would be decreased. In turn this would reduce the quality of life of the occupiers. Residents have commented on and objected based upon this loss of light.

The Highway Authority have raised no concerns. The Internal Drainage Board are satisfied with the separation distance between the proposed carport and their Woolram Wygate School Dyke pipeline.

Therefore, the planning balance is against the proposal for the reasons set out above.

Conclusion

The proposal would fail to achieve Policies 2 and 3 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.