DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0218-23**	**Applicant:**	**Mr & Mrs J Brown**
Proposal:	Proposed car port and internal alterations - re-submission of H16-0004-23		
Location:	45 Woolram Wygate Spalding		
Terminal Date:	1st May 2023		

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
WARD MEMBER	0	0	0	0
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	1	0	0	0

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 application is a re-submission of H16-0004-23.

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 hip roof, tiled to match the existing house. To the eaves this would measure approximately 2200mm, with a height of approximately 4000mm to its peak. The walls would be of natural timber cladding to match the existing dormer windows.

The main changes between the rejected H16-0004-23 are the switch from black cladding to timber cladding, and the reduction in height by 400mm. There is also an alteration to the roof design, with the design now being a more traditional hip roof.

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 roughly 1500mm high hedge.

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

Relevant History

H16-0004-23 - Full. Proposed detached car port & alterations to dwelling. Refused 16/02/23.

Consultation Responses

Welland and Deepings Internal Drainage Board

Have stated that they have no objections to the proposal and that an application should be made to relax the 9 metre byelaw.

Resident Comments

One objection, summarised below:

-Structure would be too tall
-Loss of light
-Materials not matching character of area
-Too small of a gap between the proposed port and the boundary

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 timber cladding would not appear incongruous in the area. While timber is not common in the area, it is a fairly typical material. Furthermore, the designs seen on Woolram Wygate are extremely varied, incorporating a wide variety of materials and designs. In this context, timber cladding would not be out of character.

The floor area of the car port is not deemed excessive. It would be comparable in size to its counterparts in the community. The height of the car port would not be excessive, being considerably smaller than the previously refused plans. The roof design is comparable to that seen at both adjacent properties.

Taking the above into account, the proposal is considered to conform 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 submitted daylight and shadowing plans show that there is no significant increase in the levels of overshadowing at 47 Woolram Wygate. Therefore, the proposed car port would not be detrimental to the light levels reaching the property and would not negatively impact the standard of living of the occupants

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 conform with Policies 2 and 3 of the SELLP and Section 12 of the NPPF in terms of residential amenity.

Highway Concerns

Under the previously submitted scheme, the relevant consultees from the Highways Department raise no objections to the proposal and did not wish to restrict the granting of permission. As the changes are purely aesthetic in nature, the comments still stand. 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 relevant consultee has raised no objection to the proposal, merely stating that an application to relax Byelaw 10 of their Development Control Byelaws will be required. The location of the carport was previously agreed between the applicant and the Internal Drainage Board

Planning Balance

The changes in the submitted schemes here address all reasons for the refusal of H16-0004-23. The reduction in height and change to roof shape prevents overshadowing (as shown in the daylight plans). The removal of the black cladding prevents the car port from being overbearing and out of keeping.

The timber cladding would complement the varied design of the area. The hipped roof would match the garages of the adjacent 43 and 47 Woolram Wygate.

Objections have been received for this application, stating that the carport's height would be too great, that there is the potential for overshadowing, that there is insufficient distance to the boundary and that the proposed wooden appearance would be out of keeping. Taking each point in turn; the height of the carport has been greatly reduced from that originally proposed, with the height now being comparable to that of nearby garages. The potential for overshadowing has been addressed by the submitted daylight and shadowing plan, which shows no significant overshadowing on the adjacent property and no loss of light to the property itself. Thirdly, while the distance to the boundary is small, it should still be sufficient to allow access for maintenance. Finally, the area of Woolram Wygate is characterised by a number of unique designs and materials. While natural wood is not common in the area, it would not be out of keeping with the aesthetics of the locale. The proposed materials being unique would not make them incongruous.

Therefore, the planning balance is in favour of the proposal for the reasons set out above.

Conclusion

The recommendation is for 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.