

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H16-0958-24      **Applicant:** Mr A Legavicius  
**Proposal:** Erection of garage - Retrospective  
**Location:** 1 Meadowgate Lane Spalding  
**Terminal Date:** 14th January 2025

### Planning Policies

#### South East Lincolnshire Local Plan - Adopted: March 2019

|            |                                                 |
|------------|-------------------------------------------------|
| 01         | Spatial Strategy                                |
| 02         | Development Management                          |
| 03         | Design of New Development                       |
| 33         | Delivering a More Sustainable Transport Network |
| 36         | Vehicle and Cycle Parking                       |
| APPENDIX 6 | Parking Standards                               |

#### National Guidance

#### National Planning Policy Framework December 2024

Section 9- Promoting sustainable transport  
Section 12 - Achieving well designed places

### Representations:

|                            | Object | Support | No Obj. | Comments |
|----------------------------|--------|---------|---------|----------|
| WARD MEMBER                | 0      | 0       | 0       | 0        |
| HIGHWAYS & SUDS<br>SUPPORT | 0      | 0       | 0       | 1        |
| RESIDENTS                  | 1      | 0       | 0       | 0        |

### CASE OFFICER ASSESSMENT

#### Description of Proposal

This is a retrospective householder application seeking planning permission for the erection of a

garage to the front of 1 Meadowgate Lane. The structure of the garage has been erected, although finishing cladding is yet to be applied.

The garage measures approximately 5 metres (width) by 6 metres (depth). It features a shallow mono-pitched roof of maximum height of 2.6 metres. The roof is constructed of sheet, while the walls would be clad with timber.

### **Site Description**

The site is within the settlement boundaries of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019. The area is distinctly residential in character, with most property adopting a similar design style. The dwelling is a corner plot, located at the junction of Meadowgate and Pennygate. There is a large, well established hedge located to the north of the site, which follows the curvature of the bend to shelter the garage from visibility.

### **Relevant History**

No relevant history

### **Consultation Responses**

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

#### Highway and Lead Local Flood Authority

"Additional information required. The proposed block plan needs to show the parking and dimensions from the garage to the highway boundary. A floor plan of the garage is required showing the dimensions. For a car to be parked in a garage it needs to measure 3m x 6m for a double garage 6m x 6m."

#### Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of objections has been received.

This can be summarised as:

- Proposal will cause an increase in flooding
- Building is oversized
- Application already has too many vehicles and parks them improperly
- Application generates too much noise from their cars
- Overlooking
- Light pollution

### **Key Planning Considerations**

#### Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

#### Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the settlement of Spalding which is classed as sub-regional centre within Policy 1. As such development will be permitted that supports Spalding's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

As the site is within Spalding, development within this location is considered appropriate. In any event, the proposal solely relates to an outbuilding within an existing and established residential curtilage and therefore, the principle of such development is considered to be appropriate.

As such, the proposal is considered to be in accordance with the requirements of the SELLP when viewed in principle. This is subject to the assessment against site specific criteria; including (but not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, and impact on highway safety, which are discussed in turn in the following sections.

#### Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments should 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 outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the NPPF and require 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. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

Under ordinary circumstances, the erection of an outbuilding on a corner such as this would be wholly unacceptable. As the dwelling is a corner unit, arrangements of this nature typically results in a garage having significant and unacceptable impact upon the character of the area. However, the surrounding context and site characteristics must also be assessed.

The garage represents a significant departure from the open plan character of Meadowgate. Currently, there is a clear build line, with no extension or outbuilding going beyond this. This uniformity creates a sense of openness integral to the character of the area.

However, in this instance, it is considered that the proposal is acceptable. This is purely due to the relationship with the existing hedge on the site and the enclosed nature this creates within the front amenity space of this individual property. Whilst similar proposals within neighbouring properties along Meadowgate would result in a harmful impact in respect of its character given their increased openness, the hedge provides significant screening, preventing views of the garage from Pennygate, while also reducing its impact upon Meadowgate. The hedge subdues the impact of the garage, making it appear as a small, subservient addition. It was noted by the Officer on their site visit that the garage itself is not immediately apparent when travelling down Meadowgate, solely due to the hedge and the relative small scale of the garage.

The proposed materials are acceptable. Timber cladding is typical of outbuildings of this nature, and is considered respectful of the character of the area.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

#### Impacts Upon Resident Amenity

Paragraph 135 of the NPPF states that development should 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.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

As the garage is located to the front of the dwelling and is relatively low lying, it offers no intrusive views into neighbouring properties. Any views offered would solely be of front gardens, and therefore, the tangible impacts of these views are negligible.

Due to the positioning to the north of any dwelling, no overshadowing would occur. A significant distance is maintained to any neighbouring dwelling. In any event, the garage would cast no greater shadow than the hedge already in situ.

An objector has commented on the positioning of lights on the development. No lights were present during the officer's site visit; however, this was of course once construction had ceased and during the day. In any event, lights (including low lying construction lights) can be positioned on the dwelling/property without the need for planning consent. As such, it is not considered appropriate to resist the application on this basis.

Furthermore, an objection regarding the noise impact of storing vehicles was also received. The positioning of a garage here bears no significant relationship to the noise generated by vehicles. The same noise could be generated whilst the cars were parked on the driveway; and therefore, it would be inappropriate to resist the application on this basis.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

#### Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for

development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms. The garage would naturally increase the number of parking space available to the site, thereby ensuring conformity to this policy. An objection has been received, stating that the garage may make the parking situation worse; however, it is not for the Planning Authority to dictate the number of cars in the ownership of the applicant, nor how they may choose to park their cars on the site.

The Highway Authority has requested further information as set out above. The plans are to scale and clearly show the dimensions of the garage, the parking spaces and the distance to the highway boundary. Details showing the distance to boundaries have been included on the block plan. As such, it would be overly obtuse to delay this application to seek information which has already been provided. Ample space has been demonstrated for vehicular parking on the site, and the garage is of suitable size to function as a single parking space.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

## **Planning Balance**

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole.

## **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.

## **Conclusion**

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 33 and 36 of the SELLP, as well as Sections 9 and 12 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

## **Recommendation**

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.