DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-1110-21**	**Applicant:**	**Mr C Pacca**
Proposal:	Erection of detached garage with home office above		
Location:	3 River Bank Spalding		
Terminal Date:	27th December 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2021

Section 12. Achieving well-designed places
Section 15. Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application for the erection of a detached garage with home office above at 3 River Bank, Spalding.

It is effectively a re-submission of the previously approved H16-1259-18, which is due to lapse in March 2022. The design and positioning of the building remains the same.

Site Description

The site is located at the southern part of the built-up area of Spalding. The site context is predominantly characterised by residential development off the River Welland. River Bank is a short and narrow lane running off the western bank of the river. There are two relatively new detached bungalows to the north and a tarmac parking area to the south. That area formerly benefitted from planning permission for a single dwelling (H16-0638-15).

History

H16-1259-18 - Detached garage with home office above (approved March 2019)

Consultation Responses

SHDC Tree and Nature Conservation Officer - Makes reference to previous consent and amendments made to the plans at that time. The narrow trench foundation where there is likely to be conflict with the roots of the ash tree within the rear part of the actual garage foundation can be supported. The plan also shows a projection from the back of the garage, further under the canopy of the ash tree. Is this above-ground concrete slab for a pathway or to counter balance the garage construction? Suspended so as not to damage the roots? Any encroachment further than the physical back of the garage is likely to be far too near the tree. The garage has a store room in the back, so presumably it has a concrete area on which to walk to and from the back entrance. This does not need to be two metres wide, one metre should be more than sufficient; thus cutting back another metre of encroachment.

Planning Considerations

Principle of development

The site is within the settlement boundaries of Spalding as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Irrespective of spatial strategy considerations, the principle of developing a garage and home office that is incidental to the enjoyment of a dwelling house is acceptable. Furthermore, permission has previously been granted for the same development under application ref. H16-1259-18, but this is due to lapse in a few months time.

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 key material considerations are addressed below.

Design and layout

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, 2019 goes on to say that considerations shall be met in relation to size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses. In this regard, Policy 3 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.

This application is effectively a re-submission of the previously approved H16-1259-18, which is due to lapse in March 2022. The design and positioning of the building remains the same.

The building would measure approximately 6.2 metres in width, 7.9 metres in depth and nearly 6 metres in maximum apex height. The eaves would be approx. 2.65 metres high. Having regard to the scale of the property it would be associated with, as well as surrounding development, the proposed building would be commensurate with the existing built environment in terms of scale, massing and bulking.

The submitted floor plans show that a garage and garden store would be on the ground floor level and a loft space would host a home office. In view of that, the purpose of the proposal would be ancillary to the applicant's dwelling, thus the proposed building would be acceptable on these grounds.

A gable roof is proposed which would provide a traditional design that relates well with the gable and hip roof of the neighbouring bungalow. External materials would match those existing in the dwelling. In doing so, the development would reflect the character and appearance of that property.

The positioning of the building has been largely dictated by the protected Ash tree in the south-eastern corner of the plot. The siting of it remains the same as previously approved and therefore there is not considered to be a justifiable reason to refuse this application, subject to appropriate conditions being imposed relating to the protection of said tree. In response to SHDC's Tree and Nature Conservation Officer's query regarding the area to the rear of the building, it has been confirmed that this would be laid to lawn and a condition would be added to ensure that hardstanding is not laid/constructred.

In light of the above, the proposal is considered to accord with the aforementioned policies and guidance.

Residential Amenity

It is not considered that the proposal would have a material adverse impact on residential amenity in terms of being overbearing or creating a material loss of light or overlooking.

The proposed building would not be visible from the bungalow to the north of the site and would be immediately opposite an existing garage. There is only the River Welland immediately to the east. The land immediately to the south formerly benefitted from planning permission for a single dwelling (H16-0638-5), however this has now lapsed and it remains a tarmacked area used for parking. The proposed roof lights would not therefore create a material overlooking aspect.

Taking the above into account, the proposal is considered acceptable on residential amenity grounds, which is one of the key principles of design and development management as set out in Policies 2 and 3 of SELLP (2019).

Planning Balance

The proposed detached garage with home office above would not materially harm the character or appearance of the locality, the amenity of nearby residents or the protected tree within the site. The planning balance therefore lies in favour of the proposal.

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

In light of the above, the proposal is considered to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019), as well as Sections 12 and 15 of the National Planning Policy Framework (2021).

The recommendation is therefore for a delegated approval.