DECISION DELEGATED TO DEVELOPMENT MANAGER

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| **Application No:** | **H16-1178-20** | **Applicant:** | **Mr J Bowser** |
| **Proposal:** | Proposed detached garage | | |
| **Location:** | 43a Cowbit Road Spalding | | |
| **Terminal Date:** | 1st March 2021 | | |

**Planning Policies**

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

| | |
|---|---|
| 02 | Development Management |
| 03 | Design of New Development |
| 29 | The Historic Environment |

**National Guidance**

**National Planning Policy Framework 2019**

Section 12- Achieving well designed places
Section 16- Conserving and enhancing the historic environment.

**Representations:**

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

CASE OFFICER ASSESSMENT

**Proposal**

This is a householder application seeking permission for a proposed detached garage to the property at 43A Cowbit Road, Spalding.

**Site Description**

The site is situated within the settlement of Spalding and also within the conservation area. It accommodates a detached bungalow and is situated to the rear of properties no. 41, 42 and 43. There is a long narrow driveway to at the southern of the site, which opens up to a large driveway.

The boundary treatment is mostly fencing with a mature tree situated to the east.

There is an existing attached double garage on the northern side of the property, creating an L shaped dwelling.

Dwellings in the area are mostly two storey and are a variety of ages and design.

## History

No relevant planning history.

## Consultation Responses

Highway Authority and Lead Local Flood Authority- Do not wish to restrict the grant of permission.

## Planning Considerations

Layout, Design, Size and Scale

Paragraph 127 of the National Planning Policy Framework (NPPF), 2019 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 have an internal depth of approx. 5.2m with a maximum overall depth of approx. 5.9m including the canopy over the front elevation. The overall width of the garage will be approx. 6.2m including the 500mm canopy overhang.

A flat roof will be formed to cover the detached garage, which is not typically favourable especially to the front of the dwelling. However, due to the positioning of the detached garage, it will not be visible from the main road. Therefore, the flat roof structure is considered to be acceptable.

The walls of the proposed detached garage are to be a cedar wood cladding. Although such cladding would be different to the finish of existing properties in the area, it would add visual interest to property and again, it would not be visible from Cowbit Road. On balance, it is therefore considered acceptable.

A roller shutter and bi-fold doors are proposed to the front elevation, along with a wide window to the southern side elevation and two roof windows. All of the fenestrations will be grey to match the original dwelling.

Internally, the garage will provide a single garage space for one car to the northern part of the garage. To the southern part of the garage, there will be an internal wall partition providing space for a hobby room and a w/c to the rear section. Overall, the proposals will ensure good living conditions of the house occupiers and in keeping with the residential use of the property.

The site is located within the Spalding Conservation Area, however given that there would be no view of the proposed garage from Cowbit Road, it is not considered that the development would have a material adverse impact on the character of the Conservation Area.

Taking the above into account, the proposed detached garage is deemed to comply with Policies 2, 3 and 29 in the SELLP, 2019 and Section 12 in the NPPF, 2019 in terms of layout, design, size and scale.

Impacts upon Residential Amenity

The proposed detached garage would not be overbearing due to the single storey nature of the proposal. As a result of this, it would also not have a material impact in terms of any overshadowing, particularly given that it would be located to the east of neighbouring properties. The openings on the southern and eastern elevations will not overlook to neighbouring properties.

Taking the above into account, the proposal is considered to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2019 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 would not materially harm the character or appearance of the locality (including Spalding Conservation Area) or amenity of nearby residents. It is therefore considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

## 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

The recommendation is for a delegated approval.