DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-1245-19**	**Applicant:**	**Mr G & Mrs T Anderson**
Proposal:	Remove existing single wood garage and replace with double steel garage		
Location:	105 Pinchbeck Road Spalding		
Terminal Date:	25th March 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2019

Section 12 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an application to remove an existing single wood garage and replace with steel double garage at 105 Pinchbeck Road, Spalding. The proposal seeks to provide a steel double garage that measures 8 metres in width and 7 metres in depth, with a 2.8 metre eaves height and a 3.505 metre maximum apex height. The existing timber single garage measures 5.2 metres wide, 5.1 metres in depth and 2.3 metres in height.

The proposed garage would be sited in the rear garden beyond the rear boundary of 103 Pinchbeck Road and covers the same footprint as the existing garage albeit slightly increased. The purpose of the garage is for the applicant to store and repair his own vehicles. The garage is for personal use only.

Site Description

The proposal is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design.

History

None

Consultation Responses

Member of the public - Objection

- Size of the garage

- Proposed use of garage

Planning Considerations

Size and Design

The size, height and design of the garage are not the standard domestic garage form, however given the siting of the proposal is it not considered that the garage would have such a visual impact that it would warrant refusal on that basis. The plot of land is adequate to house the size of building and its height, being a max of 3.505m to the ridge, is not out of keeping, although it is unusual to have steel garages on domestic plots.

It is not considered that the garage would lead to a loss of light or have an overbearing impact on neighbouring dwellings.

The development is considered to be acceptable in accordance with Policies 2 and 3 of the SELLP and the provisions of the NPPF, as set out above.

Proposed use of garage

This application has been submitted as a householder proposal is the applicant sets out that the use of the garage would be a replacement of an existing timber garage, to be used for domestic purposes and hobby purposes ancillary to the main dwelling. A condition is suggested to control this.

Conclusion

The development is acceptable and the use can be controlled by condition.

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.