DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H17-0101-21**	**Applicant:**	**Mr T Thorley**
Proposal:	Detached Garage		
Location:	109 Station Road Surfleet Spalding		
Terminal Date:	30th March 2021		

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 2019

Section 12- Acheiving well designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RESIDENTS	2	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed detached garage to the front of the property at 109 Station Road, Surfleet.

Site Description

The site accommodates a detached bungalow and is located on the southern side of Station Road. The bungalow and surrounding dwellings to the south of Station Road are all set back from the road with generous front gardens/driveways. The bungalow has an existing attached single garage to the west of the property. The property is sat on the inside of a bend in the road.

History

No relevant planning history.

Consultation Responses

Surfleet Parish Council - Proposal is in front of the current building line. Buildings should not be permitted in the front gardens of these properties.

Public (3 objections, 1 comment, summarised) -
- Out of character; would constitute an intrusive and visually obstructive feature in the streetscape
- In front of building line
- Impact on visibility of vehicles exiting driveways
- Overbearing
- Overshadowing
- Impact on outlook

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 would be approx. 7.2m in depth by 4.8m in width, and a maximum of 5m in height (eaves height approx. 2.8m). The garage will be a minimum of 1.5m away from the boundary of the property to the east and approx. 1m away from the front elevation of the bungalow. The garage will be situated approx. 3.9m away from the front boundary at the closest point. Taking into account the scale of existing development in the area and the size of the plot, the proposed garage is considered to be acceptable in terms of scale, mass and bulk.

There are currently no garages (or other structures) sited to the front of properties in the immediate vicinity and this is a matter raised by a number of public objections. As previously mentioned, the garage would be situated approx. 3.9m away from the front boundary at the closest point and the applicant has sited the garage close to the dwelling (approx. 1m separation) in order to minimise visual impact. The materials of construction would match the existing bungalow thus would not be out of keeping in this regard. Furthermore, the application site is situated on the inside of a bend and dwellings in the vicinity have vegetation to the front which precludes long clear views of the site. Although it is accepted that the proposal would alter the street scene, it is not the view of officers that it would have such a material adverse impact that would justify refusing the application.

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

Highway safety

Concern has been raised regarding the impact that construction of the garage will have on visibility for exiting driveways. The Highway Authority have been consulted on the application have raised no objection and therefore it would be unreasonable to refuse the application on highway safety

grounds.

Furthermore, there is no legal right to a view over adjoining land and the applicant could feasibly, and legitimately, decide to plant a tall hedge along the adjoining boundary which would completely exclude any views.

Impacts upon Residential Amenity

The proposed detached garage would be sited approx. 1.5m away from the boundary of the property to the east at the closest point. The submitted block plan indicates a 45 degree angle from the centre line of the western window on the front elevation of the neighbouring property, within which the garage would not fall. Unless stood/sat in very close proximity to said window, the garage would not be visible. Taking this into account, it is not considered that the garage would have a material overbearing or loss of light impact, or a significant detrimental impact on outlook.

Taking the above into account, the proposal is deemed 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 will not materially harm the character or appearance of the locality 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.