DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H18-0308-26**	**Applicant:**	**Mr K Zemeckis**
Proposal:	Demolition of existing single garage & erection of double garage - Retrospective		
Location:	Rear Of 9 Custom House Street Sutton Bridge Spalding		
Terminal Date:	23rd June 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
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
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking retrospective permission for the demolition of an existing garage and the erection of a double garage at the rear of 9 Custom House Street, Sutton Bridge.

Whilst the garage is not fully constructed, it has a total height of 4000mm and an eaves height of 2400mm. Furthermore, it has a total floor space of 44sqm. It would be constructed from concrete block bricks, tiled pitched roof, white uPVC windows and a roller shutter style door.

Site Description

The site is located within the defined settlement boundary of Sutton Bridge as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). Custom House Street is towards the eastern part of the settlement and as such is within close proximity to the River Nene. The area is character by rows of terraced properties with narrow gardens and small scale outbuildings to the rear access off Lime Street to the rear.

History

No relevant site history.

Consultation Responses

Lincolnshire County Council Highways & SUDS

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Comments:

This proposal is for demolition of existing single garage & erection of double garage and the access and parking arrangements remain unchanged; therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Public Representation

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 representation has been received, this has been summarised below:

- Roof beam overhangs
- Concerns over height of the garage
- Out of keeping with the area
- Not fully built on applicants own land
- Wouldn't increase off-road parking

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):
- Principle of Development and Sustainability

- Layout, Design, and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking

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.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms 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 (updated December 2024) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Planning Considerations

Principle of Development and Sustainability

The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that 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 housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan (2019) sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan (2019) indicates that within Main Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

The application site in this instance is in Sutton Bridge as detailed by Policy 1. Regardless of such, the proposal solely relates to the erection of a garage at an existing and established residential dwelling and therefore, the principle of such development is considered to be appropriate, comprising an appropriate form of development for the location.

As such, the proposal is considered to be acceptable with the requirements of the South East Lincolnshire Local Plan (2019) when viewed in principle. This is subject to the assessment against site specific criteria; including (but are 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 as follows.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed places' and details 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 National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout 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.

Development proposals should also ensure that developments 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 South East Lincolnshire Local Plan (2019) outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (December 2024), in that it 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 National Planning Policy Framework (December 2024) 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.

As outlined above, the garage has a total height of around 4000mm and an eaves height of roughly 2400mm. The height of the previous garage on site was around 2500mm and therefore this is an increase of 1500mm.

The area in which the garage is sited is clearly characterised by low level outbuildings and garages, sitting at around 2500mm. As such, the scheme in this regard would be adversely out of character for the area and appear as overly dominant display of an outbuilding. The Local Planning Authority considered that this would appear incongruous with the area and to an extent that would set a significant and materially harmful precedent within the area. The approval of such a scheme could see other properties adopt similar designs which would therefore transform the current modest design to one that features 4000mm high outbuildings and garages.

Not only does the garage significantly increase the height, it also doubles the footprint from 21sqm to 44sqm and therefore fills the entire width of the plot. This is also considered to be a notable difference in comparison to the previously featured garage. In addition to this, the garage would take up approximately 41% of the total area of ground covered within the curtilage and therefore only slightly falls below the standard 50% limit. Whilst it is below this limit, it is still considered to take up a significant proportion of the site to an unacceptable scale and one that again is vastly different to the current and well established designs within the area. It is clear that the low level outbuildings nearby take up a significantly lower proportion of their respective site and therefore a garage of this size is considered to be appear at odds with the area and should therefore be refused for this reason.

Finally, the garage currently does not feature any finished external materials and would be constructed from concrete block bricks, tiled pitched roof, white uPVC windows and a roller shutter style door.

It is noted that Part 1, Class E of the General Permitted Development Order 2015 allows for the development of outbuildings within residential curtilages; however, this details that development would not be permitted if the height of the garage would exceed 2.5m when within 2m of the boundary of the curtilage. The garage in this regard is within 2m of the boundary and exceeds the height requirements again by 1500mm.

Subsequently, there is no permitted development fall back in this regard with it being considered that the height of the garage vastly exceeds what is typically allowed under permitted development and makes a strong point regarding the usual suitability within such settings, albeit, the proposal has been submitted, and must subsequently be assessed, based on the merits of the proposal.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be unacceptable. The proposal would cause an adverse impact to the character

and appearance of the area and would therefore be in direct conflict with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (December 2024).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2024) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

There would only be a single window on the rear elevation of the garage, this window should not materially overlook to a harmful extent as a result of it being sited on the rear elevation and thus facing a highway. Furthermore, the garage is not considered to be a habitable room in any case.

Further to this, the garage would not materially overshadow to a harmful extent despite its overall height and mass. The sun rises in the east and sets in the west and therefore a shadow would only be cast towards neighbouring properties when it first rises and sets and when light levels are mostly at their lowest. Similarly, when travelling south a shadow would only be cast onto the highway and thus not harm the light levels of any existing residential properties.

Notwithstanding this, the height of the garage alongside the closeness to the boundary is considered to result in a materially harmful overbearing impact to the nearby neighbours. The outbuilding would introduce a notably large and expansive built form, immediately towards the boundary of neighbouring properties, introducing an incongruous and dominant form.

As detailed above, the scale and design of the proposal is considered to be such that there would be a significant and unacceptable overbearing impact on the residential amenities of the occupiers of adjacent properties or land users. As such, the proposal is considered to conflict with the provisions of the Section 12 of the National Planning Policy Framework (December 2024), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) 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, following mitigation, would be severe, taking into account all reasonable future scenarios".

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.

Further, Policy 36, to be read in conjunction with Appendix 6, of the South East Lincolnshire Local Plan (2019), 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.

Due to the terraced nature of the area there is minimal off-street parking on site currently with the majority of residential cars parking along the road. As such, the garage itself would provide off-street parking arrangements. Whilst the previous garage which has since been demolished also provided space for a vehicle, due to the garage in this instance being a double garage this would provide two spaces.

It has been noted that a resident objections outlines that this would not necessarily increase off-

street parking due to the previous arrangements, however, this would not cause any harm in this regard as it would keep the same number of parking spaces on site.

Further to this, LCC Highways have outlined no objections to the scheme from a highway safety perspective and as such the approval of the garage would not cause harm to the highway or its road users in any material capacity.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).

Flood Risk

Section 14 of the National Planning Policy Framework (December 2024) explains that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere".

This goes on to state, within Paragraph 172, that all plans "should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

It is important to note that whilst minor developments such as householders must meet the requirements for site-specific flood risk assessments, they should not be subject to the sequential test, nor the exception test, as outlined in Paragraph 176 and to be read in conjunction with footnote 62.

The site lies within Flood Zones 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan (2019) is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

Despite the property being within Flood Zone 3 and Danger for All within the SFRA, as the application is purely for a garage which would not be considered as a habitable room at an existing residential property; there would not be any significant harm raised and it would not materially increase the flood risk for the site and surrounding area in a harmful way. Furthermore, the applicant has outlined that the floor levels within the proposed development will be set now lower than the existing levels and flood proofing will be incorporated where appropriate.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (December 2024) in this regard.

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 inappropriate development within the defined settlement boundary. The development hereby proposed materially harms the character and appearance of the locality as well as the amenity of nearby residents due to the height and scale it features as well the confliction to the wider landscape.

When viewed as a whole, the proposal would conflict with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2024).

In this instance, these are material considerations that weigh against the proposal and as such, the planning balance is not in favour of the development.

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 the above considerations into account, the proposal is considered to be in accordance with Policies 1, 4 and 36 (Appendix 6), however adversely and harmfully conflicts with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024).

The impact to the character and residential amenity are considered to be significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and

the policies referred to above.

Recommendation

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