

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H19-0878-22 **Applicant:** Mr & Mrs R Seaton

Proposal: Proposed replacement detached garage and annexe incidental to the use of the existing dwelling

Location: 98 Luttongate Gedney Hill Spalding

Terminal Date: 8th November 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 12. Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a householder planning application seeking permission for a replacement garage and annex to the rear. The annex would be open plan with an en-suite bathroom. It would be used as ancillary accommodation to the existing dwelling on the site. The external materials of the outbuilding would match the existing brick extension to the side of the dwelling.

Site Description

The application site is located on Lutington in Gedney Hill. The site is located outside any defined settlement boundary and within the open countryside. It comprises a detached rendered bungalow with brick extensions to the side/rear. There is a double detached garage to the rear and a gravelled driveway to the front/side.

History

H19-0517-17 - Proposed front and side extensions - Approved

Consultation Responses

No representation received.

Principle of development

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.

The site is outside any defined settlement boundary as defined in the South East Lincolnshire Local Plan, 2019. Therefore, the site is located within the countryside. Policy 1 of the Local Plan states that "in the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits".

In this case, the proposal is for a garage and an annex incidental to the use of the existing dwelling (98 Lutington). The annex would be closely related to the main dwelling and is relatively small, being restricted to one room. Given the ancillary nature of the development, the proposal cannot readily be located elsewhere. Therefore, the principle of development for the proposal is acceptable unless material considerations indicate otherwise, according to section 70(2) of the Town and Country Planning Act 1990. This is subject to a condition restricting occupation to family members only.

The proposal is in general accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019.

Design and layout

Paragraph 130 of 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. Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

The site would not appear significantly different from the main public realm with the exception of the pitched roof on the replacement garage. The overall footprint of the garage and annex is somewhat on the large side, however it can on balance be accepted given the relationship with the existing bungalow and the overall plot. The annex would be one open plan room with an en-suite bathroom. It would be accessed from the rear garden and would be linked to the existing bungalow as the parking and amenity areas would be shared. The building would have the appearance of a domestic outbuilding. It is considered that it would not materially harm the street scene or the character or appearance of the locality. Overall, the size and external appearance of the proposal would not be at odds with the existing bungalow on the site or the immediate area.

As such the proposed development is on balance considered acceptable in terms of its impact on the character of the existing dwelling and the area therefore it accords with Policies 2 and 3 of the SELLP and the Section 12 of the NPPF.

Residential amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East

Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The closest neighbour to the proposed development is Westacres, 100 Lutingtongate located to the north of the application site. The proposed building would be sited at least 16 metres from this neighbour's boundary. This separation distance is considered sufficient as to not result in any overbearing impact or unacceptable overshadowing.

The proposal is not considered to increase noise levels from the site as the proposed annex would be ancillary to the existing bungalow on the site therefore there would not be an intensified use of the site and no new activities would be introduced.

As such, the proposal is not considered to unacceptably harm the residential amenity of adjacent neighbours by reason of unacceptable overshadowing, overlooking or noise. It therefore accords with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Parking provision

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision. The development would create an additional bedroom in the annex. The main house has 4 bedrooms and although the annex would create another bedroom on the site the parking requirement for the site would not increase. A maximum of 3 off-street parking spaces are required for the site. The replacement garage meets the size requirements for covered parking spaces and the driveway to the front/side can accommodate at least 3 vehicles. As such the scheme is considered to comply with the current parking standards.

Planning Balance

The principle of a replacement garage and extension to create an annex that is incidental to the enjoyment of a dwelling is acceptable. The scale and height of the new garage and annex extension is on balance acceptable in relation to the host dwelling/site. It is considered that the development would not harm the amenity of residents nearby. Sufficient off-street parking would be retained within the site.

On balance, no adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

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.

Taking into account the above, this application accords with Policies 1, 2, 3, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Section 12 of the National Planning Policy Framework (2019).

Accordingly, it is recommended to approve this application via delegated powers.

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.

RECOMMENDATION

The application can be approved under delegated powers.