

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H19-0983-23 **Applicant:** Mr J Martin
Proposal: Replacement Outbuilding
Location: Walnut Cottage 131 Luttongate Gedney Hill
Terminal Date: 9th February 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01 Spatial Strategy
02 Development Management
03 Design of New Development
28 The Natural Environment
30 Pollution

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving well designed and beautiful places
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed replacement outbuilding at

Walnut Cottage, 131 Luttongate.

Site Description

The site is located outside the defined settlement boundary of Gedney Hill as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). Luttongate Road is a long stretch joining up to New Fen Dike on the north and the B1166 to the south, there multiple properties along this section of road however they are fairly sparse due to it being sited outside a settlement area. There is an existing dilapidated building to the north of this site with large open land to the south acting as amenity space for the residents.

History

H19-0736-99 - Proposed retention of caravans on site - Approved

H19-0737-99 - Change of use from agricultural building to workshop for repair of stock cars for personal use (retrospective) - Approved

H19-0266-01 - Erection of a 3 bed bungalow - Refused

H19-0435-04 - Change of use to domestic garages and workshop - Approved

H19-0922-10 Replacement ground floor extension and alterations - Approved

H19-0777-12 - Detached double garage and extension and alterations to dwelling - Approved

Consultation Responses

North Level Internal Drainage Board

No objections.

Key Planning Considerations

The main issues and considerations in this case are (but not limited to):

- Layout, design and Impact on the Character of the Area
- Impact on Neighbouring Residents/ Land Users/ Land use

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, 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 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Planning Considerations

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

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful 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 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture 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 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, 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 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.

The existing outbuilding is currently made from timber and asbestos on the walls with a metal cladding roof and timber windows and doors. The proposed shall be made from olive green metal profile cladding on the walls and roof with the windows being made from uPVC and the doors being galvanised roller shutters and/ or uPVC. Whilst not matching the existing design entirely through the materials it proposes a significant upgrade across all elevations and therefore improving the character and appearance of the locality it is sited within. Similarly, it could be considered that the use of metal cladding in olive green would harm the area due to it not suiting what is there currently, however, the LPA take the view that as the outbuilding will be concealed from public view due to the existing fence and trees/ hedges surrounding the site it should not harm the street scene in this regard and is acceptable. Similarly, the existing barn is not made of anything that looks similar to the area.

The outbuilding currently has an eaves height of 2400mm which is level across all elevations with a variety of ridge heights, the highest is 4000mm and then 3100mm and finally 2900mm and its lowest point. The proposed doubles the height to the eaves making it 4850mm and having a total height of 6500mm for the ridges. It has an existing length of 16000mm on the northern side with the staggered design allowing it to have 1600mm and 3800mm protruding east on this side and 11600mm and 10000mm on the southern side. The width along the western side is 10700mm and 18000mm with 10700mm and 18000mm on the east. This means it has a total internal floor space of 253 metres squared. The length on the northern side shall be 26000mm with the southern length being 11600mm, 10600mm and 3800mm due to the design on this side. Finally, the widths are the same on both sides being 10700mm and 18000mm. This results in an increase to 469 metres squared for the internal floor space. The increase between the two buildings is around 85%, it could be seen that this is a significant increase in size however the existing barn itself is already rather large in size and therefore the increase will be noticeable but should not cause a material harm on the area. Furthermore, it won't look disproportionate to the land it is located on due to it being a large plot and finally it will provide adequate room for the workshop to be continued.

It shall incorporate a gable roof design to match the existing outbuilding and dwellings in the immediate area, furthermore, it shall feature two large garage doors for access for the applicants vehicles etc and three smaller side access doors. The building shall be of a T shape design. Based on information provided within the Design and Access Statement and Heritage Impact Assessment,

the building shall be used to repair vehicles and for maintenance of others. This design allows it to be in keeping with the area and any harm it may cause will be limited by existing boundary fences and trees/ hedges.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/ Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) 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 are no concerns regarding the potential for any overshadowing or overlooking to arise following the existing outbuilding being replaced. The nearest residential property is around 60m away to the south and therefore this is a more than adequate separation distance to mean there shall be no material shadow cast and no significant loss of privacy. Furthermore, there are existing trees and hedges along the southern curtilage which shall provide cover for the neighbour in this direction further reducing the potential for any impacts. This will additionally allow the scheme to not appear overbearing despite the increase in size.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development outside the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is 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 into consideration these factors, the proposal is considered to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023). There are no 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 approved under Delegated Authority.