

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H02-1105-20 **Applicant:** Mrs T Turner
Proposal: Erection of summer house and boundary fence - retrospective
Location: 7 Godiva Close Crowland Peterborough
Terminal Date: 5th February 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development

National Guidance

National Planning Policy Framework 2019

Section 12- Achieving well designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for the erection of a summer house and boundary fence (retrospective) to the property at 7 Godiva Close, Crowland.

Site Description

The site is a corner plot situated on the corner of Croyland Way and Godiva Close. The property has a large curtilage, which has been further enclosed by the fencing that has been erected. The summer house is located to the south of the dwelling. The property to the south (no. 6 Godiva Close) is a bungalow and the property to the west (7 Croyland Way) a two storey dwelling.

History

No relevant planning history.

Consultation Responses

Crowland Parish Council - Objects. Raises concerns over the height of the summer house and the boundary fence changing the character of the area.

North Level District IDB - No comment.

Local Highway and Lead Local Flood Authority - Does not wish to restrict the grant of permission.

Public (1 comment received) - Concerns over impact on the overall character of the area and 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 summer house for which retrospective permission is sought is sited in the private garden to the south of the dwelling. It measures approx. 5.2m x 3.2m and is 2.7m in height. Having regard to the dimensions of the house and the plot it sits within, the summer house is acceptable in terms of scale, mass and bulk.

The external wall material of the summer house is a light wood cladding. This is a contrast to the adjacent fencing which is darker in colour and the brickwork of the dwelling, however it is not so different that it is unduly obtrusive.

With regard to the boundary fencing, this has been erected so as to enclose more of the grassed area surrounding the property as private space. The fence is now approx. 50cm away from the footway to the north of the property and comes nearer to the turning head of the cul-de-sac to the south of the property. Concern has been raised by both the Parish Council and a member of the public regarding impact on the character and appearance of the area. However, it is noted that the property opposite the application site (7 Wyche Avenue), as well as no. 5 Croyland Way nearby, also have had the fencing arrangement altered and moved closer to the footway to enclose more of the land at private garden. Although none of these arrangements are particularly attractive, it is considered that it would be unreasonable to refuse the present application on character grounds given a similar fencing arrangement exists opposite and nearby.

Taking the above into account, the summer house and new boundary fencing are 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.

Impacts upon residential amenity

The windows to the summer house are on the western elevation and face towards into garden. The property to the west does not have any windows on the facing elevation, therefore it would not be

visible to internal spaces of the neighbours.

The summer house is in excess of 15m away from the property to the south which faces it and thus it is not considered that there is a material impact in terms of visual outlook or light.

Taking the above into account, the development 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.

Highway Safety

The Highway Authority have no objections to the new position of the fencing in terms of impact upon safety of pedestrians or drivers.

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 new boundary fencing arrangement and summer house does 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.