DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H04-0691-19**	**Applicant:**	**Mr Baker**
Proposal:	Tree house on raised platform - retrospective		
Location:	11 Mill Lane Donington Spalding		
Terminal Date:	10th September 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2019

Section 12 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	1	0	0
RESIDENTS	1	27	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a retrospective application for a treehouse on a raised platform on garden land at 11 Mill Lane, Donington. The proposal seeks to retain a treehouse that is accessed by stairs and sits on a platform approximately 1.5 metres in height. The treehouse measures 2.4 metres in depth, 5.1 metres in length, and is approximately 4.5 metres above ground level at the highest point. The treehouse has been painted cornflower blue and is designed to resemble a ship, with four porthole style windows on the elevation facing the blank side elevation wall of 13 Mill Lane which sits on the opposite side of the junction with Highfield Road.

Site Description

The proposal is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design.

History

H04-0242-19

Full Application - Two-storey extension and detached garage - Approved - 01 May 2019

Consultation Responses

SHDC - Councillor Jane King

Support

SHDC - Building Control

Exempt from requiring Building Regulations approval.

Donington Parish Council

Support

Members of the public - 29

Support

Planning Considerations

- Impact on amenity
- Design

There is not considered to be any material harm to neighbouring residential amenity from overlooking or overshadowing. The platform and four portholes face Highstock Lane and the open front garden and blank side elevation wall of 13 Mill Lane. The enclosed garden space that can be viewed is that of the host property. Everything that is visible beyond the property boundary of 11 Mill Lane is within the public realm.

No amendments to the treehouse design are being sought by the Local Planning Authority. It is considered that the cornflower blue paint is acceptable for retention. The design, scale and layout is considered to be appropriate for the site and does not materially impact the character of the dwelling or the surrounding area.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, 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.