

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H08-0629-20 **Applicant:** Mr S Holloway
Proposal: Erection of garden shed - retrospective
Location: 124b Siltside Gosberton Risegate Spalding
Terminal Date: 29th September 2020

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)

12 - Achieving well-designed places.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0
RESIDENTS	10	0	0	2

CASE OFFICER ASSESSMENT

PROPOSAL

This is a partially retrospective householder application for the erection of a garden shed at 124b Siltside, Gosberton Risegate. The proposal seeks to retain a timber shed that is attached to the western side elevation of the property, and measures: 3.5 metres in width, 5.75 metres in depth, 2.78 metres in maximum height and 2.73 metres adjacent to the residential boundary with 126 Siltside. A high level side elevation window is sited 1.91 metres above ground level. The proposed

building is yet to be completed, pending the outcome of the application process.

SITE DESCRIPTION

The proposal site is within the defined settlement limits of Gosberton Risegate, and the surrounding area is predominately rural, characterised by linear development of varying ages and design.

RELEVANT PLANNING HISTORY

None

REPRESENTATIONS

Gosberton Parish Council

Objections

Public

13 Objections received summarised as follows:

Building being used as a gym business

Opening hours 8am to 9pm

Parking provision - Not allowed to park on dyke by Black Sluice IDB.

Highway safety

Foul water provision due to increase in site users with treated effluent pumped into dyke.

Out of character

Overlooking

Overshadowing

Overhangs boundary with 126 Siltside

Loss of property value

Social distancing during Covid 19.

Not been signed off by Building Regulations

Fire hazard

Applicants response to objections

PLANNING CONSIDERATIONS

Building being used as a gym business

The applicant has confirmed in an email dated 15 September 2020 that they are no longer pursuing commercial use of the shed and it will be for residential use only.

Opening hours 8am to 9pm

The applicant has confirmed in an email dated 15 September 2020 that they are no longer pursuing commercial use of the shed and it will be for residential use only.

Parking provision - Not allowed to park on dyke by Black Sluice IDB

The applicant has confirmed in an email dated 15 September 2020 that they are no longer pursuing commercial use of the shed and it will be for residential use only. Parking provision for the existing dwelling is up to five cars.

Highway safety

The applicant has confirmed in an email dated 15 September 2020 that they are no longer pursuing commercial use of the shed and it will be for residential use only.

Foul water provision due to increase in site users with treated effluent pumped into dyke

The applicant has confirmed in an email dated 15 September 2020 that they are no longer pursuing commercial use of the shed and it will be for residential use only.

Out of character

The proposed timber colour is stark and is in need of a dark timber stain on each elevation. Should the application be approved this would be secured by condition. This matter has been discussed with the applicant and they are happy to treat the building in this way.

Overlooking

As the high level side elevation window is 1.9 metres above ground level there is not considered to be a material overlooking impact. The window faces the front garden of 126 Siltside which can be viewed from the highway. The applicant has stated that the window is already opaque to assuage any concerns.

Overshadowing

There is not considered to be a material loss of light arising from the proposal. The shed building is not materially projecting forward of the line which serves the room at the south west corner of the dwelling. Were this extension to be built of matching materials, the proposed works would constitute permitted development under Class A, Part 1 of the General Permitted Development Order (2015).

Overhangs boundary with 126 Siltside

The proposal sits on the boundary with 126 Siltside but it does not overhang.

Loss of property value

This is a matter which carries minimal planning weight.

Social distancing during Covid 19

The applicant has confirmed in an email dated 15 September 2020 that they are no longer pursuing commercial use of the shed and it will be for residential use only.

Not been signed off by Building Regulations

Should the application be approved, this would be the next stage of the process whilst the building is completed. The applicant has responded, stating: "As we discussed, the structure is not currently finished, due to the ongoing proceedings, but we had planned to further insulate and board the interior for additional insulation."

Fire hazard

Should the application be approved, this would be the next stage of the process whilst the building is completed to ensure the building is treated to reduce fire impact.

CONCLUSION

The proposed building is considered to be acceptable if the proposed works to the external timber are carried out as soon as possible. Impact upon the area and neighbouring residential amenity addressed by the applicant confirming the building would not be used for commercial purposes. It is proposed to impose a condition to this effect.

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 recommendation is for delegated approval.

Note: This application was referred to Chairman's Panel on 25 September 2020, where it was agreed the decision could be delegated to officers.