

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-1186-22 **Applicant:** Mr & Mrs D Wheatley

Proposal: Proposed domestic garden shed to rear garden of new dwelling currently under construction (H09-0616-21)

Location: Plot 1 Land Adj. Longfield House Northons Lane

Terminal Date: 7th February 2023

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 2021

Section 12- Achieving well-designed places.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application, seeking permission for the erection of a domestic wooden shed to the rear of the dwelling. The shed will measure 3.65m by 6.10m with a maximum height of 2.45m. The shed will be constructed out of timber with an almost flat felt roof.

Site Description

The application site is plot 1 of approved application H09-0616-21. Works have commenced on the site. Plot one is for the erection of a detached bungalow located on Northon's Lane. There are existing residential properties located to the west (Longfield House), to the east (detached

bungalows) and also to the south on the opposite side of Northons Lane (The Old Cottage, which is a Listed Building).

History

H09-1058-20. Land Adj. Longfield House, Northons Lane. OUTLINE. Residential Development - (up to 5 plots). Approved 08 February 2021.

H09-0303-21. RESERVED MATTERS. Erection of detached dwelling - plots 2 and 3. (self-build project) - outline approval H09-1058-20. Approved 27 May 2021.

H09-0617-21. RESERVED MATTERS. Erection of detached dwelling (Plot 3) - outline approval H09-1058-20. Approved 14 July 2021.

H09-0618-21. RESERVED MATTERS. Erection of detached dwelling (Plot 4) - outline approval H09-1058-20. Approved 01 September 2021.

H09-0616-21. RESERVED MATTERS. Erection of detached dwelling (Plot 1) - outline approval H09-1058-20. Approved 14 July 2021.

Consultation Responses

Cllr F Biggadike

High class garden shed in keeping with surrounding quality residential properties with no apparent detrimental effects to neighbours.

Planning Considerations

Layout, Design, Size and Scale

Paragraph 130 of the 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; 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 proposed shed comprises a single storey scale and would be located to the rear of the host dwelling. The shed has been designed as to consist of an almost flat roof and would measure 3.65m by 6.10m with a height of 2.45m. The siting of the shed, when considered alongside the siting of the host dwelling, with no extent of the shed being visible from the highway, or public vantage points along Northon's Lane, is acceptable.

The materials to be used coupled with the modest scale of the shed would ensure that the proposal would not cause an unacceptable impact to the character or appearance of the area.

Taking the above into account, the proposed garden shed is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale.

Residential Amenity

Paragraph 130 of the 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 the 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.

Due to the location and levels of separation that will remain from the proposal to neighbouring properties, plus the single storey height, it is considered that there will be no adverse impact on the residential amenity of these properties.

Taking the above into account, the proposed single storey rear extension is deemed to comply with

Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity.

Parking Provision

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision.

For this proposal the access and parking arrangements remain unchanged, therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety.

Therefore, the proposed parking provision complies with Policy 36 and Appendix 6 in the SELLP, 2019.

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 proposed shed will 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.

Conclusion

In light of the considerations above, the proposal is considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (2021).

The recommendation is for the application to be approved under 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.