DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0170-24**	**Applicant:**	**Mr K Alsop**
Proposal:	Summer House - Retrospective		
Location:	Waites Farm Barns Seas End Road Moulton Seas End		
Terminal Date:	23rd April 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving well designed and beautiful places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking retrospective permission for a summer house at Waites Farm Barns, Seas End Road.

Site Description

The site is located on the western side of Seas End Road and is occupied by a range of converted barns. The nearest residential property is West View located approximately 70 metres to the south on the opposite side of Seas End Road. The neighbouring business premises to the south (D Brown Building Contractors Ltd et al) are presently associated with the site.

History

H13-0299-15 - Full - Change of use of 6 holiday lets to one single dwelling - Approved

H13-0680-15 - S73 - Change of use of 6 holiday lets to one single dwelling. Modification of Condition 2 of H13-0299-15 to allow amendments to previously approved plans - Approved

H13-0553-18- Full - Single storey extension - Approved

Consultation Responses

Lincolnshire County Council Highways

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Comments:

The proposal is for the erection of a Summer House and is a retrospective application. The Summer house is located well away from the public highway and will therefore not have an adverse impact.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

South Holland Internal Drainage Board

No objections - consent may be required under Byelaw 3, not required under Section 23 and not applicable for Byelaw 10.

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 Planning and Compulsory Purchase Act 2004, as amended, 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 (December 2023) are also a material consideration in the determination of planning applications, alongside adopted

Supplementary Planning Documents.

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.

The walls of the summer house are made from reclaimed facing brickwork on the bottom section with grey horizontal timber cladding above this running across the elevations - this cladding is to match existing outbuildings on site to allow it to somewhat blend in. The same brickwork will be used on both the chimney breast and stack as well. The roof shall feature copper roof coverings to the dormer roof with slate roof coverings on the other sections. Whilst the cladding matches two existing outbuildings it conflicts with the brickwork used on the main parts of the existing dwelling, the brickwork is a key feature on the barn conversion and due to the substantial size of the summer house the sheer amount of cladding will conflict and contrast causing significant harm particularly as the cladding can be seen from the road side.

The total height of the of the summer house sits at 7000mm with a slightly lower section for the gable roof being around 6000mm. The eaves are level throughout the entire building being approximately 2900mm. It has a total length of 17900mm and a width of 6000mm, this makes a total internal floor space of around 91sqm. Due to the substantial size of the summer house from these measurements it is considered to be unacceptable and disproportionate to the size of other outbuildings on this site and is therefore of an offensive design to the character of the area. Additionally, measurements of existing buildings on this site have been taken to compare this with the retrospective summer house. The existing dwelling at its highest point is approximately 7800mm with the majority of the building running at 5100mm, therefore the summer house will be significantly higher than a substantial amount of the dwelling itself and appear out of character and incongruous when compared to these buildings whilst also being visible from the highway mean the disproportionate size is not adequately concealed, the LPA also take the view that the summer house could not be concealed in an acceptable way. A separate application was submitted for a retrospective garage further up from the siting of this building with a previous permission being granted for a second garage as well; these buildings were 6000mm and 6500mm respectively. It is therefore considered that the height of the summer house is significantly bigger and more substantial than that of the existing buildings on this site and is not in character as a result.

Furthermore, the design of the windows on both the east and south elevation are dissimilar to any other design on site through them being large open displays of a unique design. The south facing windows are 4000mm tall to the top and 2700mm to the shorter part, they have a width of 1350mm - this makes them as high as the eaves plus more taking up the majority of the middle section on the southern elevation. Additionally, there are three large windows on the east side being 2400mm wide and 2700mm to the height, again being level to the eaves. Above this there is a semicircle window which slopes up towards the roof. It is to the Planning Officers knowledge that there are no windows on site that match these stated. By taking this into consideration, although there are a set of windows on one elevation that are fairly large they are not of a similar size to this and therefore the windows within the summer house make it stand out and not conform with the set design on site and conflict with Policies 2 and 3 of the SELLP as well as Section 12 of the NPPF.

A hipped roof design is incorporated on all elevations with a gable roof being sited on the south west elevation slightly adjoining this; the main dwelling of Waites Farm Barns uses a gable roof throughout including the other existing outbuildings further down the plot. Whilst there are not many buildings in the immediate area, the two sites that directly abut the application site feature buildings with gable roofs that directly face the highway and are clearly visible from this area, furthermore the existing roofs at Waites Farm Barns, with almost all being gables, are clearly visible from the highway and due to the height of the retrospective summer house this is also visible from the public highway and as it clashes with the existing designs throughout by using a hipped roof this can be considered to appear incongruous and out of character, therefore is unacceptable in this regard.

Finally, the layout of the summer house is as follows. There is a living area on the south west side with four bi-fold doors through the aforementioned windows to allow for access, this room flows directly into a Tree Bar and dining room due to it being open planned in this aspect. Adjacent to this another open planned area sites a second bar with the kitchen as well. Both the WC and Plant Room can be accessed externally with no doors located inside the summer house to enter either room. Surrounding the building there is a path with a large open patio to the front connecting it to the amenity space for the residents at this property.

Taking into account the materials, size, scale and design of the retrospective summer house it is considered unacceptable and appears incongruous with the area and particularly in comparison to the existing buildings/ outbuildings on site. As outlined above, the use of grey cladding in such a large aspect on the building directly conflicts with the main dwelling which uses a significant amount of brickwork throughout the entire build. Additionally, the hipped roof conflicts with all roofs on site for the host dwelling and other outbuildings; this also clashes with the other buildings on separate plots which are clearly visible from the highway and are the main features that are visible from this area. The hipped roof featured on the summer house is also visible from the highway and is in the LPAs view unable to be concealed in an appropriate way such to limit the issues. The windows appear to be a prominent feature across the eastern and southern elevations of the building, they are considered to conflict with the windows on the main dwelling and therefore are out of character with the main features on this site - this goes against the design policies outlined within the local plan. Finally, due to the significant size of the summer house these measurements are considered to be unacceptable and disproportionate to the size the outbuildings making it appear even more out of character.

Therefore, the materials, size, scale and design for the summer house causes an adverse impact on the character and and appears misplaced in relation to the buildings within this plot, this is in direct conflict to 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.

Due to the positioning of the plot and the summer house there is no material overshadowing that will arise, in any case, there are no residential dwellings in the immediate proximity that could be affected. It is therefore considered that in regard to overshadowing there is minimal impact. In addition to this, in regard to the potential overlooking impact there is considered to be no material loss of privacy also due to there being no residential properties nearby as previously mentioned.

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.

Other Matters

Another pressing matter outlined within this application is the fact that this summer house is considered to be tantamount to a new dwelling within the open countryside. Due to the size of the summer house paired with the internal floor space for the rooms the LPA take the view that it is tantamount to a new dwelling despite not featuring habitable rooms such as a bedroom as shown on the plans.

Planning Balance

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

The proposal represents inappropriate development outside the defined settlement boundary. Whilst it does not cause a material harm in terms of overlooking or overshadowing, the design, size and scale of the retrospective summer house makes it appear unacceptable in comparison to other existing buildings within Waites Farm Barns due to the reasons mentioned previously. Additionally to this, the LPA consider that the creation of this building is tantamount to a new dwelling within the open countryside which is also unacceptable. The application should be refused for these reasons. The proposal conflicts with Policies 2 and 3 of the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework due to its design, size and scale.

In this instance, these are significant material considerations that weigh against the proposal and as such, the planning balance is against 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 the above considerations into account, the proposal is considered conflict with Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPFF) (December 2023) due to the aforementioned deign and size concerns. These are significant factors in this case that indicate against the proposal and outweigh the consideration against the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be refused under Delegated Authority.