DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-1064-22**	**Applicant:**	**Mr & Mrs R & C Smith**
Proposal:	Erection of timber framed garden room - Retrospective		
Location:	2 Keston Road Pinchbeck Spalding		
Terminal Date:	27th December 2022		

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	0	0	0
RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT

Proposal

A retrospective proposal for the erection of a timber framed garden room at 2 Keston Road, Pinchbeck. The outbuilding measures 3300mm x 3300m x 2700m (height). The room will be made of composite vertical cement board in grey green with a dark grey flat wooden roof.

Site Description

The site is located on Keston Road in Pinchbeck. The property is a detached dwelling situated to

the west of Pinchbeck. The property is positioned outside of the South-East Lincolnshire Local Plan (SELLP) settlement boundary. The dwelling is part of a recent housing development.

The proposed garden room is on the south-eastern edge of the property boundary. The room is 900mm taller than the boundary fence, and therefore, will be visible from the rear of two adjacent properties.

Relevant History

No relevant history.

Consultation Responses

Resident Responses

Objections raised by neighbours regarding damage to views and the design of the works being opposed to that of the original development. Issues raised regarding the development contradicting a clause in the deeds, however, this is not a planning matter.

Planning Considerations

Principle of Development

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 key material considerations are addressed below.

The proposed development is marginally outside of the settlement boundaries outlined within the SELLP, and therefore, is considered in the countryside. However, as the site is characterised by an extensive residential development the considerations that would ordinarily apply to rural developments are not necessarily applicable. Given this and the fact the building would be incidental to the enjoyment of the existing dwellinghouse, and an outbuilding would not be uncharacteristic of its surroundings the proposed development is acceptable.

Layout, Design, Size and Scale

Paragraph 130 of the NPPF and policy 2 of the SELLP outline the need for aesthetically pleasing design, which are in keeping with the sense of place of the area. The materials and colour of the outbuilding's facade are deemed to be in keeping with the surrounding area. The pale green, faux wooden boards are in keeping with the estate's aesthetic. However, the overhanging, grey, flat room is not deemed to be of contrast to the surrounding area. The surrounding properties possess dual pitched, black or red tiled rooves, a direct disparity to the design of the outbuilding. This disparity in appearance means the design does not achieve the aims of policy 2 of the SELLP.

The height of the room is significantly in conflict with the surrounding landscape, with the building dominating the views from the neighbouring properties. The difference of 900mm between the eaves of the roof and the adjacent boundary fence is also deemed to be significant. Were the height of the outbuilding to be lowered, as to reduce its visibility, the design would be more acceptable.

A number of objections were raised regarding the design of the building, with residents describing the room as an "eyesore" and a "monstrosity". These comments have been noted. The views of local people are vital in determining the sense of place of a community, and therefore, should be listened to on this matter. Therefore, it is deemed the design of the property is not in keeping with the character of the area.

For the above reasons it is considered that the design and scale of the proposed garden room is unacceptable.

Impacts Upon Residential Amenity

Paragraph 130 of NPPF (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of SELLP (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The outbuilding is on the boundary of the property and rises above the border fence by 90cm. This makes the building visible by the southern and eastern neighbours at 5 Holwood Drive and 4 Keston Road respectively. The neighbouring properties to the north and west (Quo Vadis and 1 Holwood Drive respectively) are a large enough distance from the outbuilding as to be largely unaffected by its erection. The development does not create excessive shadow in the neighbouring properties; yet, is extremely visible from the rear of these dwellings. This visibility does cause noticeable damage to the views of residents. While the damage is relatively minor, it is still significant enough to contradict policy 3 of the SELLP.

There is no window within the outbuilding overlooking neighbouring properties. This ensures the outbuilding will create no new problems of overlooking.

For the above reasons, it is considered that the proposed building will create no excessive overshadowing or overlooking but will have still have an impact on the residential amenity of other properties due to the overbearing height of the room.

Concerns have been raised by neighbours over the building contradicting a condition of the property's deeds; however, these matters are civil in nature and can be given very little weight. Similarly, the potential decrease in property value is not a planning matter and can be given no weight.

Planning Balance

Objections have been raised concerning the proposed rooms visibility from neighbouring properties and its damage to the character of the area. These objections have been noted, and the impact of the works has been closely considered.

It is deemed that relative impact of the garden room is minor; however, still significant enough to cause some damage to the character of the neighbourhood. The scale will materially harm the character of the area, contradicting policy 2 and 3 of the SELLP. The material and pitch of the roof is also deemed to be inconsistent with its surroundings, again contradicting policy 2 and 3. The excessive bulk of the outbuilding will reduce the amenity space of potential future occupiers of the home significantly, thus reducing their standard of living. As such the garden room is deemed incongruous to the character of the area.

There are no issues arising from overlooking and the impacts of overshadowing are relatively inconsequential.

The planning balance is therefore considered to be against of the proposal.

Conclusion

In light of consideration above, the proposal does not comply with Policies 2 and 3 of South-East Lincolnshire Local Plan, 2019 as well as Section 12 of National Planning Policy Framework, 2021. As such the recommendation is for delegated refusal.

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.