

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H15-0398-23 **Applicant:** Mr R Henson
Proposal: Proposed detached summer house/games room
Location: 63b Town Drove Quadring Spalding
Terminal Date: 23rd June 2023

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

02 Development Management
03 Design of New Development
04 Approach to Flood Risk

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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed detached summer house/games room in the rear garden of 63b Town Drove. The development would measure at 2554mm (height to the eaves) 3897mm (total height), 4000mm (width) and 7000mm (length).

Site Description

The site is within the settlement boundaries of Quadring, as outlined within the South-East Lincolnshire Local Plan, 2019 (SELLP). It is to the West of Quadring, around 20 metres within the settlement boundary. The dwelling is a 2 storey house and is similar in size to other properties in this area. The dwelling has a Cedral black cladding section at the front of the house which makes it stand out, the rest of the house is made up of red brick which is in keeping with the local area and neighbouring properties. It is set back around 35 metres from the road with a gravel driveway leading up to the front, there is fencing around the front and side acting as boundary treatment. In the rear garden there is an existing shed and some solar panels on the ground.

History

H15-0988-14 - Proposed house and garage - Approved

H15-1066-15 - Proposed house and garage - Approved

Consultation Responses

Welland & Deepings Internal Drainage Board

No comment.

Lincolnshire County Council Highways

No objection.

Resident Comments

Objections, summarised as following-

Raised concerns over the noise that will be produced from the summer house.

Raised concerns over the height of the development and distance to the boundary, claims there will be issues regarding loss of light and over shadowing.

Believes it is incompatible with the area due to the materials it is being made out of. Claims that it won't fit in and doesn't match other outbuildings in the area.

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, that they are visually attractive, as a result of good architecture, and are sympathetic to local character. 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 summer house / games room will be in the rear garden towards the back right of their curtilage, in this area there is currently a small garden shed which appears to be getting removed to make way for the proposal. This is of similar design and size to that of the proposed summer house. The measurements of the development are 3897mm (height), 4000mm (width) and 7000mm (length). When compared to the house and other outbuildings the dimensions and overall design are considered to be acceptable.

The materials it is being made out of are Cedral black cladding and a red pan tile to match the

existing property. It will be in keeping with the front part of the dwelling as previously mentioned which is made out of the black cladding and also matches the existing tiles on the roof of the house. It could be considered that this isn't fully in keeping with the overall design of the area and neighbouring properties however due to the small design and nature of the proposal this isn't considered to harm the local area and matches the main part of the dwelling where the development is taking place.

The summer house will have a set of bi-fold doors at the front to allow access inside, it will also have a window on the side facing towards the North-West. These will be made out of TBC. On the existing dwelling the windows and doors are made out of white UPVC and therefore this won't match what is currently there, however this isn't considered to be a problem as it will have a very minimal impact on the area.

The overall design of the summer house is in keeping with other outbuildings within this area and therefore this is considered to be appropriate in accordance to Policies 2 & 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

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

There is a proposed window on the northern elevation facing the north-west boundary point. This is the boundary that is the furthest away from the proposal and therefore this reduces the impacts of over looking into any neighbouring property due to the distance. There are also a set of bi-fold doors going on the Western elevation which will be used as access into the proposed summer house, these are facing to the west which is in the direction of the applicants house which again means there is no concern regarding over looking.

The single storey nature of the outbuilding makes any overlooking very unlikely as the windows are at ground floor level and therefore if neighbours are concerned about a loss of privacy they can install boundary treatments under permitted development to prevent this.

The proposal is approximately 1 metre away from the boundary point on the South and around 10 metres away from the main house itself. The height of the eaves comes to 2554mm with a total height of 3897mm. Assuming the boundary fence to the south is 2 metres in height then the eaves will only be 0.5 metres over the fence and therefore this will have minimal impact on the neighbouring property in terms of overshadowing. The rest of the building will be 1.3 metres in height from the eaves and will slope away from the existing boundary and the neighbouring property reducing the impacts over shadowing. There are existing sheds already in the rear garden of both the applicants and the neighbours garden, these appear to be around 0.5 metres over the boundary which is what the eaves of the proposed summer house will come up to. There may be some new issues from overshadowing due to the overall height of the proposal, however this is not substantial enough to have an impact big enough to effect the neighbours and cause loss of light as mentioned in the resident objections.

Flood Risk

The application site is situated in Flood Zone 3 according to the Environment Agency Flood Map for Planning. This means that the summer house is in a high flood risk area.

The proposed building will be used as ancillary to the main property and therefore isn't classed as habitable accommodation. This means it should not create any worse situation than as existing. Flooding from other sources also shouldn't affect this site. This specific site is in an area that is capable of receiving early flood warnings from the Environment Agency Flood line.

The proposed measures are considered to be acceptable and therefore the proposal is in accordance with Policy 4 of the SELLP.

Planning Balance

Some objections were raised, stating multiple points.

One objection stated that the proposal would be incompatible with the local area due to the materials and that other outbuildings/fences in the area are of a more standard colour. The materials being used on the summer house are black Cedral cladding and a red pan tile roof, this matches the existing house where the proposal is taking place. Despite the concerns raised stating the aspect of the house which faces the proposal is standard brick, one of the main features on the house is this black Cedral cladding, therefore this can be considered to be in keeping with the local area. There was some concern over other outbuildings being a more standard colour, however following a site visit it was determined that there was multiple outbuildings in the immediate area that are of various colours which do match the main house itself.

Another raised concerns over noise levels that will be produced from the summer house. We are unable to know the noise that will be made by the residents in the summer house, however it could be considered that it will be no different to the noise that is already produced in the main house itself and therefore there may be no new issues directly effecting neighbours.

Another was worried about their privacy being effected. As this proposal is single storey with no windows looking over into neighbouring properties there will be no issues concerning overlooking and can therefore be considered to not effect the privacy of those in the area.

Finally, they were concerned about the height and overshadowing/loss of light. As mentioned previously, the height of the eaves comes up to 2554mm which will only be around 0.5m over the boundary fence it is next to. The rest of the building will be made up of the roof which slopes to meet in the middle so there will therefore be minimal impact of overshadowing caused by the summer house. It is also considered that the main point of overshadowing will be when the sun is at its lowest point and therefore it won't cause severe loss of light onto the neighbouring properties. It could be considered that the overall height of the proposal is bigger than other outbuildings in this area however, this is not a big enough impact to cause a refusal.

There is limited potential for overshadowing or overlooking into neighbouring properties, it is also considered that the proposal will be in keeping with the main dwelling. The proposal therefore conforms to Policies 2 and 3 of the SELLP.

The planning balance is in favour of the proposal.

Conclusion

The recommendation is therefore for a delegated approval.

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.