DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0062-21**	**Applicant:**	**Mr W Czerwinski**
Proposal:	Gazebo/summer house building - retrospective		
Location:	6 Roeburn Way Spalding		
Terminal Date:	18th March 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2019

Section 12- Acheiving well designed places

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission (retrospectively) for a gazebo/summer house at the property at 6 Roeburn Way, Spalding.

Site Description

The site is situated within the settlement of Spalding. It accommodates a semi detached dwelling and lies in a residential area.

The gazebo/summer house is located in the rear garden, which is of a modest size. The garden is not considerably overlooked by neighbouring windows, especially to the north as there are no properties which directly face the rear garden.

The gazebo/summerhouse is located closest to the eastern boundary which is shared with the attached neighbouring dwelling and the boundary treatment along the entire rear garden is approx.

6ft feather edge fencing.

History

No planning history relevant.

Consultation Responses

No consultation responses received.

Planning Considerations

Layout, Design, Size and Scale

Paragraph 127 of the National Planning Policy Framework (NPPF), 2019 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 gazebo/summer house measures approx. 3.6m by 4.1m, with a maximum height of approx. 2.8m (including decking). Having regard to the existing dimensions of the house and garden, the gazebo/summer house is acceptable in terms of scale, mass and bulk.

It's appearance is typical of a more permanent gazebo/summer house and, given it is located to the rear of the property, is acceptable in visual terms.

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

Impact upon Residential Amenity

The gazebo/summer house is not considered to have a material adverse impact on residential amenity in terms of overlooking, loss of light or being overbearing. Average eye level is below the top of the fence lines and a standard pole structured gazebo (i.e. more temporary in nature) of similar height could be sited in this location without requiring planning permission and could be erected for significant periods of the year. A pragmatic approach should therefore be taken.

Taking the above into account, the gazebo/summerhouse is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2019 in terms of residential amenity.

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 gazebo/summerhouse does 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.

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

The recommendation is for a delegated approval.