

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0073-20 **Applicant:** Mr & Mrs S Wilton
Proposal: Erection of garden room - log cabin
Location: 83 Tollgate Spalding
Terminal Date: 24th March 2020

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: Achieving well designed places.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This application proposed a log cabin to be used as a garden room. The walls would be treated timber with corrugated felt covering to the flat roof. The main element would be 5.95m x 4m and 2.3m high with a smaller element 1.6m x 3m and 1.92m to highest part.

Would be sited forward and to side of main house, 1m back from front and side boundary with substation, 10.1 m from rear boundary with the school and 13.6m from boundary with adjacent property.

Site Description

The property is a detached house, which adjoins an electricity substation to one side with a detached house the other side and primary school to the rear. Unusual in that has a small rear garden with majority of garden to front and side. Side garden is fenced/gated off with tall conifer hedge on back edge of footpath.

History

H16-0518-15 - Two storey extension - approved 13/07/15.

Consultation Responses

None.

Planning Considerations

The key considerations in this case are the principle of development, layout and design and impact upon residential amenity.

The proposal is for a domestic scale outbuilding to be used for ancillary purposes to the house, the property is within an established residential area and as such there is no issue with the principle of such a development.

Normally, the proposed siting forward of the main house, would be difficult to justify due to the adverse impact upon the street scene, however in this case due to the nature of the plot, there is effectively no other place such an outbuilding could be erected. Further, it is shielded from public view by the tall conifer hedging and by existing fencing/gates. As such the impact of the proposed building would be acceptable. The materials are appropriate for a domestic outbuilding and the impact is further reduced by the limited height of the structure.

Further, the proposing siting is at the furthest part of the site from the adjacent house, next to the substation site, thus it is considered there would be no material impact upon the amenities currently enjoyed by nearby residents.

Conclusion

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

The recommendation is therefore 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.