

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0342-19 **Applicant:** Mr Karl Frith
Proposal: Proposed attached indoor swimming pool, changing rooms and plant room
Location: Heatherdown Elm Lane Spalding
Terminal Date: 23rd May 2019

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 2019

Section 12. Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a householder planning application that seeks permission for a proposed attached indoor swimming pool, changing rooms and plant room at Heatherdown, Elm Lane, Low Fulney, Spalding.

Site Description

The site location is purely countryside. Elm Lane is across agricultural fields further to east of the built-up area of Spalding. Heatherdown is an inverted L shape large dwelling which sits well in a vast site. The garden is laid in grass. There are significantly tall mature trees on the site boundaries which conceal the dwelling from the adjacent open fields. The site access also leads to small-scaled offices to a few metres to east which are under the applicant's ownership. The nearest adjacent property Bellevue Farm is located 200 metres to north-west.

History

H16-0542-13 - Office re-build and renovations (retrospective) - Approved

Consultation Responses

None

Planning Considerations

Principle of development

According to the Policies Map of South East Lincolnshire Local Plan 2019, the site is out of settlement boundaries of Spalding as the nearest urban settlement. Therefore, the site is located within the countryside. Policy 1 of the Local Plan states that "in the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits". Given its ancillary use to the house residents, the proposed development cannot be located elsewhere within the boundaries of any urban settlement. Therefore, the principle of development for the proposal is acceptable unless material considerations indicate otherwise according to section 70(2) of the Town and Country Planning Act 1990.

Size and scale

The proposed development would constitute a large extension of the dwelling. It would project approximately 32 metres from the eastern part of the building to north. It would measure 11.50 metres in width and 6 metres in height, both as maximum dimensions. Having regard to the measures of the house, the extension would be subservient to the host property in terms of scale, massing and bulking.

Design and layout

The floor layout plans shows that the purpose of the development is to accommodate a swimming pool, changing rooms and a plant room. The purpose of the proposal would be acceptable given the residential use of the building.

The changing rooms would be on the sides of an aisle that connects the house with the swimming pool. Externally, they would form a single-storey flat roofed link that would remarks the subservience of the intended development and its ancillary use to the dwelling.

Whereas the plant room at the rear of the pool would have a flat roof and the sun room a hipped roof, the entire swimming pool would be covered by a gable roof. Such combination of roof styles matches well with the remainder of the building which has already an eclectic roof layout. The ridgeline of the swimming pool gable roof would be set marginally higher than any roof pitch on the building. However, this is not considered to be visually incongruous to the entire dwelling.

The form of development would substantially alter the house footprint to create a U shaped building with an enclosed courtyard. This layout would be more reflective of the rural setting where the property is based. A porch along the western elevation would replicate that existing on the opposite elevation.

Impact upon residential amenity

A more than 2 metre hedgerow is on the eastern and northern boundaries. The proposed large extension would not be perceived from the adjacent land. In any event, the development would not create any harm to residential amenity. There is a long separation distance with the opposite wing of the house and the nearest neighbouring property Heatherdown is 200 metres away.

Conclusion

In light of considerations above, the proposed development is in accordance with Policy 1, 2 and 3 of South East Lincolnshire Local Plan, 2019 and Section 12 of National Planning Policy Framework, 2019.

It is therefore recommended to approve this application via delegated powers.

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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.