

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0589-23 **Applicant:** Mr & Mrs Heavens
Proposal: Erection of detached gym/office in front garden
Location: 1 Lavender Drive Spalding
Terminal Date: 24th August 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed erection of detached gym/office in the front garden of 1 Lavender Drive. The development would be 5000mm (length) by 3000mm (width).

Site Description

The site is situated within the settlement boundaries of Spalding as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). It is on the west side of Spalding and around 150m inside the boundary. The property is a two storey dwelling and is the end house out of three down a small private drive, all of these properties are on a similar sized plot and are built out of the same materials. This being red brick, tiled roof and white uPVC doors and windows. The property has a

double garage attached to the main house which will be situated adjacent to where the proposed outbuilding will be located.

History

H16-0481-09 - Proposed single storey extension - Approved

H16-0762-21 - Single storey extension to front to form new garage and conversion of existing garage - Approved

Consultation Responses

Lincolnshire County Council Highways

No objection.

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 measurements for the proposed outbuilding include 5000mm (length) by 3000mm (width) and the height will mean it comes up just slightly higher than the existing boundary fence situated on the south east. When compared to the house and the usual size of other outbuildings the dimensions and overall design are considered to be acceptable.

The materials for the proposal are as follows, the walls will be made of timber cladding, the roof will be mineral felt and the windows and doors will be uPVC. The materials for the wall and roof are typical for developments like this and therefore make sense as to why they are being used without necessarily being similar to what is in the area. The windows and doors however are similar to the host dwelling and other dwellings in the immediate area. It can be considered that despite the materials not being common in the area, it is mostly concealed from public viewing due to the high hedge on the north east elevation and due to it being down a private drive. These materials are therefore considered to be acceptable.

The proposed outbuilding will be used for a gym/office but could also be used for a variety of different things due to its size and location. It has a door on the southern elevation to allow access and a small window to let more natural light in. The mineral felt roof will be used to create a gable roof which is also a common features for outbuildings like this.

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.

It can be considered that due to the nature of the proposal being single storey the chances of overlooking is very minimal, there are also no windows facing the direction of the neighbouring property and therefore the development won't result in a loss of privacy for No. 36 Shearers Drive. The fencing and trees in this area will also be able to provide cover should any overlooking occur.

Despite there being a distance of 1m between the boundary fence and the proposed outbuilding, the positioning of the outbuilding means that no significant shadow would be cast onto the south eastern neighbours. Again, there are trees in this area that could provide cover and the proposal is not much higher than the fences and therefore should provide cover if any overshadowing were to occur. Naturally, after the initial construction, which itself would take place over a short period, minimal additional noise pollution would be caused as a result of the development.

The proposal is therefore in accordance with Policies 2 & 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Planning Balance

It is considered that the proposed erection of detached gym/office in front garden can be incorporated onto the site without materially harming the character and amenity of the locality. There will be no overlooking and no overshadowing as a result of the development taking place. The application is therefore in accordance with Policies 2, 3 of the SELLP and Section 12 of the NPPF.

Conclusion

The recommendation is 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.