

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0875-20 **Applicant:** Mr A Denning
Proposal: Erection of Detached Garden Building
Location: 47 Alexandra Road Spalding
Terminal Date: 2nd December 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 is a householder application seeking permission for the erection of a detached garden building to the rear of the property at 47 Alexandra Road, Spalding.

Site Description

The property is a detached dwelling situated in a residential area of Spalding. The property is situated on a long rectangular plot, similar to the adjoining properties to the east and west. The properties to the south have short gardens. The rear garden is surrounded by approx 1.8m high closeboard fencing.

History

H16-0843-11- Approved 23-12-11- Single-storey extension to the rear and side of property.

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 proposed building will be approx. 6.2m wide and have a depth of 4m. It would have a sloped roof with a minimum eaves height of 2.4m to the rear and a maximum height of 3.2m to the front. It would sit approx. 1m from the rear boundary, 0.9m from the eastern boundary and approx. 4.2m from the western boundary. It would be set back considerably from the dwelling. Taking into account the size of the dwelling and rear garden, the proposed building is considered acceptable in terms of size and scale.

The proposed materials are to match those existing in the property. Given this, as well as the fact that the building would not be visible from public vantage points, the development will appear well blended with the fabric of the house and visual amenity will not be undermined.

Internally, the purpose of the development is to gain further floorspace and storage for the use of the residents gym equipment, which was mentioned in conversation face to face with the applicant.

Overall, the proposals will ensure good living conditions of the house occupiers and in keeping with the residential use of the property.

Taking the above into account, the proposed extensions are 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.

Impacts upon Residential Amenity

The proposed windows are to the front elevation of the building, facing towards the frontage properties. Although there would be views towards the first floor rear windows of the neighbouring property to the east, these would be slightly angled and, if the roof were to be lower at the rear, the building could be erected under permitted development rights. It is not therefore an issue that would reasonably justify a refusal.

The separation distance to the rear boundary will be approx. 1m. and approx. 4.3m to the facing window of the property to the rear. However, given the overall height of the roof and eaves at the rear, it is not considered that the building would be overbearing in nature. The building would be located to the north of no. 7 Cedar Court, thus overshadowing should not be an issue.

A condition can be added to preclude the use of the gym as commercial premises.

Taking the above into account, the proposed extensions are 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 erection of a detached garden building would 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 planning balance is in favour of the proposal. The recommendation is therefore for a delegated approval.