DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-1108-20**	**Applicant:**	**Mr I Pastore**
Proposal:	Detached Garden Building		
Location:	5 St Nicholas Way Spalding		
Terminal Date:	3rd February 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- Achieving well designed places

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed detached garden building at 5 St Nicholas Way, Spalding.

Site Description

The property is a detached dwelling situated in a residential area of Spalding. The base for the building had already been laid at the time of the site visit and is close to the boundary with the property to the south.

History

No relevant planning history.

Consultation Responses

SHDC Environmental Protection Officer - No comments or objections.

Public (1 objection, summarised) - Concerns over potential for commercial supply of pizzas and the smell.

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 garden building will be approx. 5.4m by 3m. There will also be a canopy, extending the proposed roof to created a sheltered area to the south east elevation. This will cover an area of approx. 7.9m2 in order to cover a hot tub. Having regard to the existing dimensions of the original dwelling and the plot it sits within, the proposed outbuilding is acceptable in terms of scale, mass and bulk. The building is to be sited to the rear of the dwelling and thus visibility will be minimal.

The gable roof will be formed to cover the garden building to match the existing roof structure of the dwelling on the property. Therefore, the proposed roof design is congruent with the original roof design.

Facing brickwork on walls, concrete roof tiles and UPVC in fenestration and rainwater goods will match those existing in the property. Thus, the development will appear well blended with the fabric of the house and visual amenity will not be undermined.

Internally, the proposed garden building will include a kitchen area with pizza oven. It has been confirmed with the applicant that the sole purpose of the pizza oven is for personal use only and will not be related to any other commercial/catering purposes.

Overall, the proposals will ensure good living conditions of the house occupiers and are 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 bi fold and french doors will be situated to the north east and south east elevations, facing towards the dwelling and garden respectively. There will also be a rooflight to the south west elevation, which will allow natural light into the building, but will face away from the first floor side facing window to the neighbouring property. Views towards that window from the hot tub area should be obscured by the canopy above.

The proposed garden building is single storey in scale and, as such, will not unduly overshadow or be overbearing in relation to the neighbouring 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 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 proposed garden building 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.