

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H17-0184-20 **Applicant:** Mr R Daimond
Proposal: Proposed building for storage of vehicles (personal use)
Location: 4 Low Gate Surfleet Spalding
Terminal Date: 17th May 2020

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
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	1	0
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder planning application for proposed building for storage of vehicles (personal use) at 4 Low Gate, Surfleet, Spalding.

Site Description

The site is located approximately 770 metres to the north-west of the main built-up area of Surfleet. The wider location is characterised by flat agricultural fields. It is not an isolated location. There is development in the vicinity, both residential and agricultural use.

The site is part of a short frontage of semi-detached two-storey properties, probably former council housing. A back lane serve access to the rear of the properties which splits the residential plots with long linear back yards stretching to the south-west.

There is a nearly 2 metre high closeboard fence along the southern-west boundary whereas shorter fence of similar appearance is on the opposite side within the first metres from the rear. The area off the rear boundary

Two mature trees, a cherry tree and a willow tree, stand on the adjacent back yard of No. 3 to the south-east. Both trees will be in close proximity to the proposed outbuilding.

History

None.

Consultation Responses

SHDC Environmental Protection

No objection.

SHDC Tree Conservation Officer

No objection.

The comments made are summarised as following:

-The foundation might be no deeper than what the applicant has already dug, so should any roots have been encountered they will have now been removed.

-If root barriers are being considered, professional advice should be sought on their construction.

The willow has great growth potential.

-As the foundations have now been dug there is no way that they should stand in the way of the proposed development.

-The following extract of British Standards 5837:2012 should be raised to the applicant: "Where excavations below the canopy of the tree or within a Root Protection Area are unavoidable, excavations must be carried out by hand and any roots encountered over 25 mm in diameter should be retained. (Where possible, smaller roots should also be retained and great care taken to minimise damage to them). If severance is unavoidable, roots must be cut back using a sharp tool to leave a clean wound to encourage healing."

Lincolnshire County Council as Local Highway and Lead Local Flood Authority

No objection.

Surfleet Parish Council

No comments.

Planning Considerations

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 key material considerations are addressed below.

Principle of development

The site lies in the countryside as set out in the South East Lincolnshire Local Plan (SELLP), 2019. The principle of the proposed outbuilding that is incidental to the enjoyment of a dwelling house is acceptable.

Design and layout

Paragraph 127 of 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. In the local tier, Policy 2 of the SELLP establishes 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 outbuilding will measure 7 metres in width, 12 metres in depth and 5 metres in height. The eaves will be 4 metre high. The resulting footprint of the development will be considerable although the height is appropriate in relation to the existing buildings in the immediacy. Therefore, on balance, the development will not significantly appear at odds with the built environment in terms of scale, massing and bulk.

There is one further storage detached structure of similar scale and appearance in the adjacent back yard to the south-west. It is further set back from the row of houses. In principle, the erection of the proposed outbuilding will not lead to a cumulative impact as both structures are not excessively close each other.

The development will sit well within the application site given the 48 metres depth and 1 metres separation distances with boundaries on both sides. The surface within the first metres from the back lane will remain in gravel and the remainder of the land in grass.

Grey insulated steel panels will be used for the structure. Fenestration and the pedestrian door will be made of white PVC whereas the main door will be steel shutter. The resulting appearance will be characteristic of such type of development and use. The design standards will be average but by no means of poor quality.

The construction of the outbuilding in such location might have potentially some impact on the two mature trees in the adjacent back yard to the south-east. The cherry tree is off the back lane and the willow trees is in close proximity to the proposed development. At the time of the planning assessment, the application has commenced foundation works to set up the concrete base. Approximately 400mm of soil has been removed to do so. It is assumed that some roots might have been removed during these works. SDHC Tree Conservation Officer has been consulted. In light of the comments made, it is recommended to grant permission with an informative notice stating professional advice should be sought if root barriers are being considered.

In summary, the development will be commensurate with the site and other residential properties in terms of scale, mass and height. The grant of permission will not cause any unacceptable harm upon the adjacent willow tree and the asset is not benefiting from any Tree Protection Order. Therefore, the proposal works comply with the aforementioned policies concerned on design, layout and character of the local area.

Residential amenity

The separation distances between the proposed outbuilding and the nearest dwellinghouses onto Low Gate will be in the region of 20 metres. Given its scale and height, the development will not cause any detrimental impact upon the residents by reason of overbearing and overshadowing effect or loss of light.

Therefore, the development complies with residential amenity which is one of the key principles of design and development management as set out in Policies 2 and 3 of SELLP (2019).

Conclusion

Taking into account the considerations above, the proposal is considered to comply with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019 as well as Section 12 of the National Planning Policy Framework (NPPF), 2019.

No objections have been received. It is accordingly recommended to approve this planning 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 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.