DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H17-0421-22**	**Applicant:**	**Mr A Khalili**
Proposal:	Erection of Barn/Workshop. Amendment to previously approved application H17-1199-21 (retrospective)		
Location:	55 Station Road Surfleet Spalding		
Terminal Date:	20th June 2022		

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 2021

12 - Achieving well-designed places.

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a retrospective householder application for the erection of barn / workshop at 55 Station Road, Surfleet. Planning permission was previously given for a motorhome storage / workshop building under reference H17-1199-21. This application application differs from that previously approved as the building has had an increase in fenestration and the height has been increased by 0.49 metres.

The proposal seeks to retain a building that is 7 metres wide and 12 metres in depth. The building will have an eaves height of 4.09 metres and a pitched roof with a ridge height of 5.99 metres. The building will be constructed from red brick which will not match the existing dwelling due to difficulty

sourcing a matching brick. Roof tiles are to match those of the existing dwelling.

The front northern elevation will have double doors that measure 2.2 metres in width and 2.1 metres in height with two high level windows over 3 metres above ground level. The rear south facing elevation will have a window that faces toward the remainder of the garden and the River Glen. The west facing side elevation will contain three windows, with the east facing side elevation containing two windows and a side access door. The proposed building was to be this height because it needed to be able to securely store a motorhome which never arrived on site. However, the building has been constructed before this decision was taken to no longer bring a motorhome to the property.

The applicant proposes to block pave the path leading to this building. If the block paving is permeable in design it will not require any form of planning permission.

SITE DESCRIPTION

The proposal is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and designs. 55 Station Road is located to the north of the proposal site, with arable fields to the east, the remaining garden and the River Glen to the south, the River Glen to the west, and 53 Station Road to the north-west. The building is in Environment Agency Flood Zone 1, and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

HISTORY

H17-0462-91

Outline - Erection of house with garage & vehicular access' with reverse bay including details of siting, etc - Approved - 27 June 1991.

H17-1014-91

Reserved Matters - Erection of house with garage and vehicular access with reversing bay - Approved - 06 December 1991.

H17-1199-21

Full - Erection of outbuilding for storage of motorhome and garden equipment - Approved - 31 January 2022.

CONSULTATION RESPONSES

None

PLANNING CONSIDERATIONS

Principle of development

The proposal is for residential development on residential land within defined settlements. The principle of development is considered acceptable in this location.

Assessment against SELLP Policy 2 - Development Management

When assessed against the above relevant criteria the following can be observed:

1. The size, scale and layout is commensurate with this type of building which is largely hidden from public view. No trees are to be removed to facilitate this proposal. The proposal is sited away from neighbouring properties and is adjacent an arable field. There is not considered to be material impact on the character and amenity of the surrounding area.

2. The design is that of a residential annexe, however, the proposal is for a workshop. A condition will be added that the building cannot be used for residential accommodation without prior permission from the local planning authority.

3. Materials of construction are considered appropriate for the proposed use, with red brick walls and tiling to match that of the existing dwelling.

4. The existing access remains unchanged. Off road parking is in accordance with Appendix 6 of the SELLP.

5. The capacity of existing community services and infrastructure is unaffected by this proposal.

6. There is not considered to be a noise, odour or disturbance impact from this proposal. With regard to overdevelopment, this 84 square metre sized building can be comfortably accommodated in this large rear garden leaving a sizeable amount of amount space for the applicant. With regard to overshadowing and overbearing, the building is 1 metre from the eastern boundary, beyond which is empty arable fields. The building will be 18 metres from the rear garden of 53 Station Road to the west at the nearest point, and 23 metres from the dwelling at the nearest point. Given the outbuilding height of 5.99 metres and the western boundary treatment of a 2.5 metre high hedge, there is not considered to be an overshadowing or overbearing impact on neighbouring properties.

With regard to overlooking the windows are sited at ground floor level and are a significant distance from 53 Station Road, furthermore separated by a 2.5 metre high hedge in-between. The proposed additional windows are not considered to generate an overlooking aspect.

7. The building is in Environment Agency Flood Zone 1, and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. The building will not need to be raised to address flood risk.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

When assessed against the above relevant criteria the following can be observed:

1. A sense of place is not materially impacted by this proposal. The size, scale and layout is commensurate with this type of building which is largely hidden from public view. No trees are to be removed to facilitate this proposal. The proposal is sited away from neighbouring properties and is adjacent an arable field. There is not considered to be material impact on the character and amenity of the surrounding area.

5. The storage of refuse and cycles is not impacted by this proposal. Off road parking provision remains in accordance with Appendix 6 of the SELLP.

11. There is not considered to be a noise, odour or disturbance impact from this proposal. With regard to overdevelopment, this 84 square metre sized building can be comfortably accommodated in this large rear garden leaving a sizeable amount of amount space for the applicant. With regard to overshadowing and overbearing, the building is 1 metre from the eastern boundary, beyond which is empty arable fields. The building will be 18 metres from the rear garden of 53 Station Road to the west at the nearest point, and 23 metres from the dwelling at the nearest point. Given the outbuilding height of 5.99 metres and the western boundary treatment of a 2.5 metre high hedge, there is not considered to be an overshadowing or overbearing impact on neighbouring properties.

With regard to overlooking the windows are sited at ground floor level and are a significant distance from 53 Station Road, furthermore separated by a 2.5 metre high hedge in-between. The proposed additional windows are not considered to generate an overlooking aspect.

12. The building is in Environment Agency Flood Zone 1, and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. The building will not need to be raised to address flood risk.

This application accords with SELLP Policy 3.

PLANNING BALANCE

The proposed location of the outbuilding to the rear of the site is not considered to have an impact on the amenity of neighbouring properties, not is it considered to have an impact on the character and appearance of the surrounding area. Due to residential appearance of the workshop, a

condition will be added preventing use as a residential annexe. This application is considered to accord with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, 2021.

CONCLUSION

This application is recommended for 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.