

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H18-0945-20 **Applicant:** Mr Dade
Proposal: Erection of garden shed - retrospective
Location: Clear View King John Bank Walpole St Andrew
Terminal Date: 31st December 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk

National Guidance

National Planning Policy Framework 2019

Paragraph 127 of Section 12. Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder planning application that seeks retrospective permission for erection of garden shed at Clear View, King John Bank, Walpole St Andrew, Wisbech

Site Description

The site is approximately located 2km to the south-east of Sutton Bridge and 1.62km to the north-west of Walpole St Andrew. The site is part of a relatively short row of property on the northern-west side of King John Bank. Sparse properties are along the road. The wider context is dominated by flat agricultural land and drains which characterise the Fenland landscape.

The property is a large two-storey detached dwellinghouse. The front drive is spacious with a large in-built garage. The rear garden is sizeable and laid in grass. A nearly 2 metre high timber closeboard fence is along the southern-west site boundary. The garden shed appears flanked by such fencing and the side wall of the house. Marwood is the nearest property to the south-west of the shed.

History

H18-0599-96 - Details of external materials (Condition 2 of application H18/0335/96) - Approved

H18-0335-96 - Proposed alterations and improvements to house - Approved

H18-1057-14 - Proposed rear extension to dwelling to create sun room - Approved

H18-1119-18 - Construction of sunroom to rear and loft conversion over garage with dormer windows - Approved

Consultation Responses

Sutton Bridge Parish Council

No comments.

Members of the public

One resident has raised objection against the development in the following terms:

- The shed is immediately adjacent to the boundary fence
- The eaves overhang onto Marwood's property.
- The surface water runoff will increase even with the addition of guttering.
- The shed reduce the enjoyment of daylight on three out of five windows on the opposing elevation.

Planning Considerations

Principle of development

The site is within the settlement boundaries of Sutton Bridge as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Irrespective of spatial strategy considerations, the principle of erecting a domestic shed that is incidental to the enjoyment of a dwelling house is acceptable.

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.

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.

Likewise, Policy 2 of SELLP, 2019 goes on to say that considerations shall be met about size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses. In this regard, Policy 3 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 shed is approximately 2.55 metres in width, 9.10 metres in depth and 3.35 metres in height. The eaves are in the region of 2.57 metres in height. Having regarded to the scale of the neighbouring buildings, the shed is acceptable by reason of scale, mass and bulk.

The roof overhangs on the front, rear and one of the sides elevations. It currently overhangs surpassing the boundary fence although the applicant has confirmed that the protruding edge will be cut to prevent any encroachment onto the adjoining site of Marwood. In doing so, no legal conflict would occur between the two parties involved.

By the time of the case officer's site inspection, no rainwater goods were incorporated to the shed. Any strategy of surface water management is required in order to increase the risk of flooding in the vicinity of the development.

Policy 4 of SELLP is concerned on flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

In addition to the cutting of the roof overhang onto Marwood, guttering is proposed without being above the boundary fence on the revised drawings to determine should planning permission be granted. The surface runoff from the rooftop will run into the downpipes to the underground drainage leading to soakaways.

The outbuilding is flanked by the house and the southern-west boundary. It is set back 16.10 metres from the road. Any part of the shed would be 150mm to the fence and 365 mm from the boundary line. Given the scale of the shed at such location, the form of development appears somewhat cramped between the residential property and the fence. However, the scale of the development is commensurate with the built environment in its setting. In addition to the considerations below on residential amenity, on balance there is no sound basis to refuse the development in terms of design, layout and impact upon character of the local area.

Residential amenity

In view of the nearly 2 metre high timber boundary fence, the upper part of the shed will be only visible from the adjacent plot.

The separation distance is in the region of 4.95 metres between the fence and opposing elevation of Marwood. As it stands, any overbearing effect from the shed towards the occupiers of Marwood is negligible in light of the perceived bulk and separation distance. Likewise, no overshadowing will occur as pointed out in the resident representation.

In summary, 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).

Planning balance

The proposed position of the shed of such scale and height is not the most ideal in terms of design and layout. However, the scale and appearance of the shed itself is appropriate in relationship with the neighbouring buildings. No unacceptable harm upon residential amenity has been anticipated. Further amendments have been proposed to mitigate any detrimental impact, especially in terms of surface flood risk.

On balance, no adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the planning policies taken as a whole.

Conclusion

The proposals are considered to comply with Policies 1, 2, 3 and 4 of the South East Lincolnshire Local Plan (SELLP), 2019; and Paragraph 127 of the National Planning Policy Framework (NPPF), 2019.

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.