

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H21-0807-20 **Applicant:** Mr I Larman
Proposal: Proposed Wooden Cabin (Retrospective)
Location: 30 Kiln Drive Tydd St Mary Spalding
Terminal Date: 23rd November 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

Paragraph 127 of Section 12. Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
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 planning application that seeks retrospective permission for wooden cabin at 30 Kiln Drive, Tydd St Mary, Wisbech.

Planning Enforcement Team advised the applicant to submit this application. The reason is that the height of the cabin exceed 2.5 metres which is the maximum allowed under Class A, Part 1, Schedule of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). By the time of the enforcement investigation, there was a tall aerial exceeding the highest point of the roof which was not acceptable under planning permitted development. This feature has been removed and does not constitute part of this application.

Site Description

The area is suburban to the historic core of Tydd St Mary. The property forms part of the urban extension to the west of the village. The major development was carried out in mid 2000s.

The site bounds the cul-de-sac end of Kiln Drive. The property is a bungalow with several gable pitches across the roof structure. The rear garden is of modest size. The land is mostly laid in grass. A patio area adjoins the conservatory and the rear doors. There is a garden shed of small scale on the south-west corner. The wooden cabin stands on the northern-west corner. A nearly 2 metre timber closeboard fence in dark brown delimits the plot.

To the north, Cosy Corner is a two-storey high pitched bungalow. To the south, No. 30 is a tantamount bungalow in house type and scale. To the west, further properties access from Low Gate.

History

H21-0133-08 - Proposed rear conservatory - Approved

Consultation Responses

Members of the public

One resident raised an objection stating that the development disrupts the views through their lounge window.

North Level District I.D.B

No objection.

SHDC Environmental Protection Officer

No objection.

Tydd St Mary Parish Council

Supports this application.

Planning Considerations

Principle of development

The site lies within the settlement boundaries for Tydd St Mary as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Irrespective of spatial strategy considerations, the principle of developing an outbuilding 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.

Policy 2 of South East Lincolnshire Local Plan (SELLP), 2019 states that development will be permitted when consideration are met in relation to size, scale, layout, density and impact on the amenity. In this regard, Policy 3 goes on to establish 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 wooden cabin has 10 sq metres. It measure 3.77 metres in width, 3.26 metres in depth and 3.62 metres in apex height. The eaves are approximately 1.35 metres high. Having regard the scale and height of the buildings nearby, it is considered that the cabin is at least subservient to the main dwelling in terms of scale, mass and bulk.

The development sits well within the garden by reason of the footprint and floorspace. It does not appear of excessive scale within the domestic plot.

The cabin is a fit-for-purpose structure for BBQs. Internally, there is a BBQ Grill at the centre of the floor with table fitted around the grill. Seating area is provided around the grill unit. Externally, the full structure is made of timer pine posts and dark grey shingle roof tiles on top of it. There are 3 double glazed windows across the elevations.

The purpose of the cabin is clearly incidental to the enjoyment of the dwellinghouse. The external materials and layout is of fairly high quality standards. The scale and height of the cabin appear proportionate to the residential properties in the vicinity. On balance, the development is in accordance with the aforementioned policies at the top of this section.

Residential amenity

The eaves of the cabin are less than the fence surrounding the rear garden. Given the hexagonal footprint of the cabin, the roof has 6 little slopes which merge as they approach upwards to the BBQ chimney stack (roof apex). The only part of the cabin perceived from the neighbouring plots is the upper side of the roof.

The separation distance is in the region of 8.65 metres with Cosy Corner (north-east); 15 metres with No. 30 (south-east); 18 metres with Odecroft (north-west); 21 metres with the Lilacs (west) and 18.85 metres with Blenner Hasset (south-west).

On balance, the cabin is not of significant height and the relationship with the neighbouring dwellings is such that no overbearing neither overshadowing impact occur upon their residents. The disruption of views itself is not a material planning consideration unless the above mentioned impacts occur at a significant extent.

In summary, the development proposal comply 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, 3 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.