DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0611-22**	**Applicant:**	**Mr S King**
Proposal:	Erection of shed with attic storage above - retrospective		
Location:	Marilyn Oxcroft Bank Shepeau Stow		
Terminal Date:	21st September 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

Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking retrospective planning permission for the erection of a shed with attic storage above in the rear garden. The building measures 2.9 metres (width) x 6.7 metres (depth) and stands at 4.3 metres in height (2 metres to the eaves). The building walls are precast pebble dash concrete finished in slate grey and shiplap timber finished with a matt varnish, sitting under a galvanised steel roof with white upvc doors/windows.

SITE DESCRIPTION

The site is located on Oxcroft Bank in Shepeau Stow. It comprises a detached chalet bungalow with a large detached garage to the rear. there is a gravelled driveway to the front providing off-street parking provision for several vehicles with additional parking toward the side/rear of the house behind the gates. The front of the site is open and the side boundaries are enclosed by fencing. There are several large trees in the rear garden. The immediate area comprises a mixture of dwellings varying in size, design and materials.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

Whaplode Parish Council

Supports the application.

Residents

2no letters of objection have been received siting the following concerns:

·The proposed building may be used as an annex
·There is one tree within falling distance of the development
·The building has not been erected with adequate footings
·The boundary line is not shown correctly on the submitted plans
·Loss of privacy from the door in the side elevation
·Loss of privacy from use of the stairs
·Overshadowing

PLANNING CONSIDERATIONS

Principle of development

The proposed outbuilding would be located within the residential boundary of the existing dwelling. Given this and the fact the building would be incidental to the enjoyment of the existing dwellinghouse the proposed development 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.

Layout, Design, Size and Scale

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting, 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 outbuilding has a relatively minor footprint, especially in the context of the plot size. There is glimpsed views from the south-west of the site, however, give its significant set-back from the road/main public realm it is not considered to appear overly prominent. Furthermore the materials used are also considered acceptable as they are standard for such outbuildings. As such there would be very little impact on the street scene.

The development is therefore considered to comply with the aforementioned policies on design, layout and impact upon the character of the local area and comply with Policy 2 of the SELLP and Section 130 of the NPPF.

Impacts upon Residential Amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places

with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

2no letters of objection have been received from the adjacent neighbours at White Rose Cottage (north) and Maryland (south) siting concerns of loss of privacy from the door in the side elevation, loss of privacy from use of the stairs and overshadowing. The concerns are noted and discussed further below.

The closest neighbour to the development is White Rose Cottage to the north of the site. The building in question is sited close to this neighbours boundary, however, given it is located well within the site and a significant distance from this neighbours house therefore no unacceptable impact is considered to result on this neighbours house. Any potential impact in the garden would be limited to a small section only and given this neighbour benefits from a large garden therefore this can on balance be accepted. A door is proposed in the side elevation facing this neighbour, however, this would only be used to access the attic area and would not offer any views of this neighbours garden. It is not clear how the attic space would be accessed but it is presumed it would be via an external ladder which would be a temporary structure therefore it wouldn't require planning permission.

With regards to the neighbour to the south at Maryland the building is sited approximately 9.6 metres from the shared boundary with this neighbour therefore no overbearing impact or unacceptable overshadowing results.

As such the proposal accords with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Other matters

2no letters of objection have been received from neighbours siting the following concerns:

The proposed building may be used as an annex - The concerns are noted, however, the building has a relatively modest footprint therefore it is unlikely to be converted into an annex. If this was the case then it would require planning permission and its occupation would be limited to family members.

There is one tree within falling distance of the development - The closest tree to the building is sited some 7 metres away therefore it is unlikely that this tree is impacted by development.

The building has not been erected with adequate footings - The footings would be checked by Building Control, however, an outbuilding is usually exempt from Building Regulations therefore the scheme could not reasonably be resisted on this basis

The boundary line is not shown correctly on the submitted plans - The red line boundary appears to match the boundary lines shown on our mapping system. In any case boundary disputes are not a planning matter therefore the scheme could not reasonably be resisted on this basis.

Planning Balance

The proposal will not materially harm the character or appearance of the locality or amenity of nearby residents. The planning balance is therefore considered to be in favour of the proposal.

CONCLUSION

In light of the considerations above, the proposal is considered to be in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (2021).

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.

RECOMMENDATION

The application can be approved under delegated powers.