

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0898-23 **Applicant:** B Konovalovs

Proposal: Erection of wooden shed (Retrospective), sauna with rest area with wooden gazebo and garage/workshop

Location: 15 Chapel Gate Whaplode Drove Spalding

Terminal Date: 18th December 2023

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

02 Development Management
03 Design of New Development

National Guidance**National Planning Policy Framework 2023**

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	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for the retrospective erection of a wooden shed and the proposed erection of a sauna with a rest area with wooden gazebo and garage/workshop.

It is important to note that the shed has already started construction where as the rest of the development is yet to begin works.

Site Description

The site is located within the defined settlement boundary of Whaplode Drove as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). The rear of the garden is not within the settlement boundaries however as this is a householder development this is not considered to be a significant issue. The property is made of bricks with a tiled roof and brown uPVC windows and doors. It has a large garden to the rear which is where the development is taking place, this backs onto open fields where no development has been carried out.

History

H23-1308-88 - Erection of one dwelling and garage - Approved

H23-0867-91 - Erection of dwelling and garage (renewal of outline planning permission H23-1308-88) - Approved

H23-0401-01 - Erection of dwelling and garage with access - Approved

H23-0349-02 - Detached dwelling (Outline application H23/0401/01) - Approved

Consultation Responses

Whaplode Parish Council

No comment.

South Holland Internal Drainage Board

No objections. Consent may be required under Byelaw 3 with consent not currently being required under Section 23.

Lincolnshire County Council Highways

No objection -

The shed, the sauna and the garage/workshop are all at the rear of the property and no alterations are proposed to be made to the existing access arrangements for the property. Therefore, having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and so does not wish to object to this planning application.

South Holland District Council Environmental Protection

No comments.

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland.

The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Planning Considerations

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (2023) specifically relates to 'Achieving well-designed places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 130 of the National Planning Policy Framework (NPPF), 2023 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, that they are visually attractive, as a result of good architecture, and are sympathetic to local character. 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. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

The roof of the shed will be made from Britmet-Pantile 2000 with the walls being made from wood and the windows shall feature a white uPVC design. The shed shall be 6040mm by 3040mm with the height to the eaves being 2248mm and the total height being 3429mm. The materials used on this part of the proposal are common for developments of this kind and therefore this can be considered to be acceptable, similarly, the measurements are also proportionate and will provide a good amount of floor space.

The second part of the proposal is for a sauna, rest area and wooden gazebo, the roof of this development will be the same as the shed with the walls being block and bricks and the windows and doors shall be brown uPVC. The building will be constructed in the shape of a T with the front section projecting from the side in the middle. The total length at the rear shall be 8000mm with a width on this section being 3002mm. As mentioned, the front shall project from the side elevation by around 4000mm and there is a width in this part of 3000mm. The height to the eaves is 2341mm and it will have a total height of 3658mm. These measurements are considered to be acceptable, despite it being the largest, they are all located at the rear and thus will not harm the street scene. Similarly, it is the furthest away from any neighbours.

Finally, the garage and workshop will be constructed from the same materials as the sauna building, this therefore benefits the scheme as there will be two buildings that are made of similar materials and this reduces any impact it may cause. As mentioned, the developments are at the rear of the property away from the highway and therefore this will limit any issue it may cause on the street scene. It shall be 8000mm by 4500mm with an eaves height to 2061mm and a total height of 4038mm, these measurements will be acceptable and provides space for the residents to use this area as a workshop as mentioned within the plans.

Overall, the development is therefore considered to be acceptable and proportionate to the dwelling and each building will provide adequate floor space for the residents to act on its intended purpose. The materials will be similar to each other and therefore this benefits the scheme, the use of brown uPVC windows and doors will match the main dwelling also. This proposal is considered to be acceptable and in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impact on Residential Amenity/Land Users

Paragraph 130 of the National Planning Policy Framework (2023) states that development should 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The shed features no windows facing a nearby neighbouring dwelling and therefore provides no view that will result in a loss of privacy for residents, similarly the position of the development means that there should be no overshadowing on the neighbour to the north and the shed is therefore acceptable.

The sauna, rest area and gazebo features no windows on the side elevations and therefore like the shed provides no view into a neighbouring property on the north or south. No material loss of privacy is considered to take place from this. Furthermore, the positioning and the distance to either neighbour means that no overshadowing will take place despite it being the largest of the three new buildings, it is located the furthest away from any residential property and therefore the size will have no effect and will not appear overbearing.

Finally, the proposed garage has windows on the opposite side to the nearest neighbour and therefore the distance from the windows to a neighbour are considered to be significant enough to not provide any views, additionally the height of the windows are around 2000mm and therefore this above average head height, this further reducing any potential view. No shadow should be cast onto the southern neighbour either due to the positioning of the buildings and dwelling.

Overall, the erection of the three separate buildings are considered to be acceptable in terms of its impact on resident amenity, no loss of privacy will occur and no overshadowing will occur either due to the lack of windows and positioning of the site. In addition to this, the buildings will also not be overbearing on the area with the largest being the furthest away from the residential dwellings and existing boundary fences and trees will further limit this. The development is in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Other Matters

As mentioned, the third building of the development shall act as a garage and workshop. To limit the potential noise issue that could arise from this, a condition shall be imposed to state that no power tools shall be used within the building to avoid a significant increase in noise pollution following the development taking place. It is considered that with this condition the operation of the building will be acceptable as there should not be a material increase in noise pollution that would harm the amenity of residents.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality or the amenity of nearby resident and is seen as acceptable. Overall, the development conforms with the South East Lincolnshire Local Plan for the most part and the provisions of the National Planning policy Framework when viewed as a whole.

Conclusion

Taking the above considerations into account, the proposal is, for the most part, considered to be in accordance with Policies 2 & 3 of the SELLP, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

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

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.