

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-1105-22 **Applicant:** Mr M Bannister
Proposal: Erection of Garden Buildings - Retrospective
Location: The Bungalow Churchgate Whaplode
Terminal Date: 11th January 2023

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	0	0	1
WARD MEMBER	0	0	0	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for two outbuildings to the rear of the existing detached dwelling. The larger outbuilding (playroom/office) would measure 8.74 metres (length) x 5.35 metres (width) and stand 3.4 metres in height (2.35 metres to the eaves). The smaller outbuilding (garden store) would measure 4.83 metres (length) x 2.97 metres (width) and stand 3.50 metres in height (2.03 metres to the eaves).

Site Description

The application site is located on Churchgate in Whaplode. The site is located within a residential area and is surrounded by dwellings of varying design. The property is within the defined settlement boundary. The site comprises a detached bungalow.

History

No relevant planning history.

Consultation Responses

Whaplode Parish Council

Some concern about proximity to the boundary of neighbouring properties.

Public Responses

- Too close to the boundary
- Correct planning laws have not been met or the correct procedure
- The building is far too high
- It is a large eyesore

Planning Considerations

Principle of development

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.

There would not be any prominent views of the proposed outbuildings from the main public realm given it would be located behind the dwelling and would be lower in height therefore it would be blocked by the dwelling. Both buildings would have a large footprint, however, the plot is a generous size therefore sufficient amenity space would be retained. It is considered that it would not materially harm the street scene or the character or appearance of the locality. The proposed materials are considered appropriate for the setting.

In summary, the proposals are considered visually acceptable within the locality and comply with Policies 2 and 3 of the SELLP and Section 130 of the NPPF.

Impacts upon Residential Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The smaller outbuilding is located on the southern boundary which bounds Myra Lodge. Given the single storey nature, the relationship with this neighbour and the fact the element sitting adjacent to this neighbour's boundary would be in a similar position to the existing storage building, the proposed development is not considered to result in any overbearing impact or unacceptable overshadowing. The relationship with this neighbour would not significantly change. No additional noise disturbance is considered to result as the buildings would be used in conjunction with the existing residential use at The Bungalow and the proposed domestic outbuilding would not create any new activities not already associated with the current dwelling.

With regards to the larger outbuilding, the closest neighbouring property is to the north (Elcon). The proposed outbuilding would be sited at least 17.8 metres from this dwelling. The proposed

outbuilding would sit close to the shared boundary with this neighbour; however, the pitch of the roof would face away from this neighbour, thereby further reducing any potential impact. No additional noise disturbance is considered to result as the building would be used in conjunction with the existing residential use at The Bungalow and the proposed domestic outbuilding would not create any new activities not already associated with the current dwelling.

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

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.