

DELEGATED ASSESSMENT

Application no: PA/2024/234
Proposal: Planning permission to erect a wooden gazebo
Location: Balmacara, Ings Lane, Whitton, Scunthorpe, DN15 9LW
Applicant: Mr Martin Walker
Officer: Daniel Puttick

POLICIES

National Planning Policy Framework: Section 2: Achieving sustainable development, 4: Decision making and 12: Achieving well-designed places.

North Lincolnshire Core Strategy: – CS1: Spatial Strategy for North Lincolnshire, CS2: Delivering More Sustainable Development, CS3: Development Limits, CS5: Delivering Quality Design in North Lincolnshire; CS19: Flood risk

North Lincolnshire Local Plan: DS1: General Requirements, DS5: Residential Extensions, T2: Access to Development, T19: Car parking Provision and Standards, DS14: Foul Sewage and Surface Water Drainage; DS16: Flood risk

Housing and Employment Land Allocations DPD (2016)

PS1: Presumption in favour of sustainable development.

Proposals Map Insert Map 94 - Whitton

Supplementary Planning Guidance - SPG1 Design Guidance for House Extensions

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination by the Planning Inspectorate on 11th November, 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until late 2024.

- SS1: Presumption in Favour of Sustainable Development
- SS2: A Spatial Strategy for North Lincolnshire
- SS3: Development Principles
- SS11: Development Limits
- DM1: General Requirements
- DQE5: Managing flood risk

CONSULTATIONS

Below sets out a précis of the consultation responses received. The comments can be viewed in full on the Council's website.

Highways: No comments or objections

LLFA Drainage Team: No objections or comments

PARISH/TOWN COUNCIL

No response received.

PUBLICITY: The proposal has been advertised by means of site notice which was displayed on 11 April 2024. This is in accordance with the LPAs statutory duty set out under article 15 of the Development Management Procedure Order 2015.

COMMENTS RECEIVED

One letter of objection has been received and are summarised below:

- The structure exceeds 3 metres to the ridge line height
- Structure is sited tight onto actual boundary
- Back side of guttering protrudes over the actual boundary line
- Inappropriate discharge of rain water from structure, drain water is terminated into boundary which over time has caused out block paving to subside
- The structure is sited 800mm adjacent to our habitable room
- The structure is unsightly, overbearing and not in keeping

MATERIAL PLANNING CONSIDERATIONS

Planning History

[Full planning history available on the Council's website]

PA/2006/0194 – Planning permission to erect a two storey extension and dormer and a detached workshop/store - Approved

Constraints

The site is unallocated and located within the settlement limits of Whitton as shown on the Proposals Map Insert Map 94.

The site is located within SFRA Flood Zone 1.

The site is not located within a conservation area and there are no listed buildings or TPOs within the site.

SITE / PROPOSAL

The application site comprises of the detached property in the southern part of Whitton. The house is one of a small number accessed from Ings Lane, with prospects southward over the adjacent fields.

The application seeks planning permission for the construction of a wooden gazebo located in the rear garden of the property. The development has already been undertaken, and this application is therefore being considered retrospectively.

The gazebo provides a covered seating area within the rear garden of the property. It is constructed of timber and finished with red pantile roof tiles. The structure has a footprint measuring 3.75m by 4.92m, with a height to eaves of 2.37m and height to ridge of 3m. The side walls are open and fitted are with clear, retractable sheeting. The eaves are fitted with guttering to the east and western edges, prevent surface water run off from the roof over the boundary of the neighbouring property.

The following considerations are relevant to this proposal:

- Principle of Residential Development
- Residential Amenity
- Appearance / Quality of Design
- Flood Risk / Drainage
- Highways

Principle of Development

The site is unallocated and located within the settlement limits of Whitton as shown on the Proposals Map. The application relates an existing residential property and as such the principle of a residential extension is acceptable.

Residential Amenity

Saved Policy DS5 of the North Lincolnshire Local Plan (2003) is concerned with residential extensions. It states that Planning applications for residential extensions and the erection of garages, outbuildings, walls and other structures will be allowed providing that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing or loss of privacy to adjacent dwellings. The proposals should also be sympathetic in design, scale and materials to the existing dwelling and its neighbours.

The outbuilding marginally exceeds parameters for an outbuilding within the curtilage of the property. It is small in scale and contained within the rear corner of the curtilage of the house. The property is bound by a close boarded timber fence, which is approximately 2m in height along the boundary with Magnolia, to the east. The outbuilding rises above height of the fence and is close to it, however the extent is

limited and it is not excessively tall in relation to this feature. The roof rises away from the boundary of the property, and as a result the design of the gazebo ensures that no unacceptable impacts would be imposed upon occupants of the neighbouring property.

Occupants of the neighbouring property have raised concerns about overbearing impacts and proximity to habitable rooms within their property. For reasons set out above, the impacts are not considered to be so significant as to justify withholding planning permission, and in any event the habitable room faces northward and would not experience unacceptable loss of sunlight or daylight. The small scale of the outbuilding would also not unacceptably diminish current standards of outlook to an extent that would become harmful.

The proposal would result in unacceptable any overbearing, overlooking or overshadowing impacts that would be detrimental to residential amenity of adjoining neighbours and is acceptable in accordance with policy DS5 of the Local Plan.

Design / Appearance / Character

Both policies DS5 and CS5 are concerned with visual amenity with the former stating that proposals should be sympathetic in design, scale and materials. Both Policies DS5 and CS5 seeks to improve the quality of design across North Lincolnshire.

The structure is designed in keeping with the character of the area, and utilises materials which are in keeping with its context. The gazebo is not readily visible from the public domain, and is not noticeable in views from along Ings Lane. The street scene is therefore unaffected by the addition of the outbuilding. The scale of the outbuilding is small, and although concerns have been raised by the neighbouring resident in this instance it is not considered that the outbuilding imposes harm to the character of the area. The proposal is therefore considered to be acceptable in terms of its design in accordance with policies DS5 of the Local Plan and CS5 of the Core Strategy.

Flood Risk and Drainage

Policies DS14 and DS16 of the Local Plan collectively seek to ensure that satisfactory provision is made for the disposal of foul and surface water from new development, and ensure development would not be at risk of increase the risk of flooding.

Policy CS19 of the Core Strategy notes that the council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere.

The site is located within Flood Risk Zone 1 which is at low risk of flooding. The LLFA Drainage team have reviewed the application, and raise no objections or comments.

Provision is made within the development for the capture of surface water from the roof of the building, however comments from neighbouring residents question the

adequacy of these arrangements and suggest that rainwater run off to the adjacent property has caused paving to subside. The objection also suggests that the guttering overhangs the boundary of the neighbouring property.

The building is small in scale and the extent of surface water run off is therefore likely to be limited. Whilst issues with rainwater run off have been cited as causing damage to neighbouring property, no evidence has been provided and from Officer's inspection of the site there appeared to be no visible damage. Notwithstanding this, consideration has been given to the effect of surface water run off from the building onto the adjacent property. In this instance Officers are mindful that a similarly sized building could be constructed under permitted development without there being any requirement to provide drainage to capture run off. As a result, whilst the concerns of the adjoining residents are noted, in absence of any evidence being provided and based on observations at the site, surface water run off is not considered to be an issue which would justify withholding planning permission. Furthermore, as a similarly sized building could be constructed within the curtilage of the property under permitted development without the need for drainage to be provided, it is not considered reasonable to impose planning conditions for its installation.

Overall, it is considered that the development would not give rise to significant surface water issues that would justify withholding planning permission. Any damage caused to the neighbouring property as a result of the development and any related boundary issues or disputes would be a civil matter concerning the occupiers of the property and adjacent homeowners.

In view of the above it is considered that the development is acceptable in accordance with Policies DS14 and DS16 of the Local Plan and Policy CS19 of the Core Strategy.

Highways

Policy T2 of the North Lincolnshire Local Plan is concerned with access to development and states that all development should be served by a satisfactory access. Policy T19 of the Local Plan is concerned with parking provision as well as general safety and is also considered relevant.

No objections are raised by the highway authority, who note that parking and access arrangements will not be affected by the proposed development. It is therefore considered that the scheme is in accordance with Policies T2 and T19 of the Local Plan.

Human Rights Act

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the

applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities and Diversities

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and the case officer has concluded that the application does not cause discrimination on the grounds of gender, race and disability.

Conclusion

The proposed development is acceptable in principle, is appropriately designed, would not harm residential amenity and is acceptable in Highways and Drainage / Flood Risk Terms. The proposal is considered to be compliant with policy CS5 of the adopted Core Strategy and policies DS1, DS5, DS14, DS16, T2 and T19 of the North Lincolnshire Local Plan. It is recommended that planning permission is granted, subject to standard conditions. As the development has already been completed, a condition requiring implementation within a three year time period is not necessary. A condition specifying the approved plans is necessary in the interests of clarity.

RECOMMENDATION: Grant Permission subject to conditions.