

APPLICATION NO PA/2019/103

APPLICANT Susan Orford

DEVELOPMENT Planning permission to retain a children's play den

LOCATION Rose Cottage, Fields Road, East Lound, Haxey, DN9 2LX

PARISH Haxey

WARD Axholme South

CASE OFFICER Tanya Coggon

SUMMARY **Grant permission subject to conditions**

RECOMMENDATION

REASONS FOR REFERENCE TO COMMITTEE Objection by Haxey Parish Council

POLICIES

National Planning Policy Framework: Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 17 states that planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

North Lincolnshire Local Plan:

Policy RD2 (Development in the Open Countryside)

Policy RD10 (Replacement, Alteration and Extensions to Dwellings in the Open Countryside)

Policy DS1 (General Requirements)

Policy DS5 (Residential extensions)

Policy LC14 (Area of Special Historic Landscape Interest)

North Lincolnshire Core Strategy:

Policy CS3 (Development Limits)

Policy CS5 (Design)

Policy CS6 (Historic Environment)

CONSULTATIONS

Highways: No objection.

HER (Archaeology): No objection.

PARISH COUNCIL

Objection. Long elongated plot with what is described as a play den, it is small, high and made of wood next to the boundary. Its current position creates some issues of impact on its environment, impact on privacy and loss of visual amenity. The play den is a large shed, larger than an average children's play den.

PUBLICITY

Advertised by site notice. Three letters of objection (two from the same objector) and two letters of support have been received. The letters of objection raise the following issues:

- the application is retrospective
- out of character with the area
- negative impact on neighbouring property
- adverse impact on landscape
- erosion of the open countryside
- precedent
- out of scale and too large
- visible from the roads
- overlooking
- noise and disturbance
- overshadowing

- overbearing
- poor design
- over-development
- the plans and application form are incorrect.

The letters of support raise the following issues:

- in character with the area
- it is not an offensive structure
- no noise issues
- the site is located on a lane that is not a PROW
- the den is adjacent to a neighbour's garage and the den's size is negligible compared to the garage and house
- it is not out of scale
- the den has existed since 2016.

ASSESSMENT

This proposal is to retain a children's play den, which appears to have been in place for some time. The play den comprises a den area at ground level, a raised platform area where a room is accessed from and an attached climbing area with swings/ropes. Grab climbing handles were located on the side elevation of the den but have been removed. The applicant is also willing to remove a ladder to the other end of the balcony and block the eastern end of the balcony at the door frame.

The play den is constructed from timber with a felt roof. It has a maximum height of 3.11 metres. It is located east of the main dwelling on the site adjacent to the applicant's garage and the neighbour's two-storey garage. The site is located in the open countryside within an Area of Historic Landscape Interest (LC14). The site can be accessed from a narrow lane sited between Fields Lane and Low Hall Road.

The main issues associated with this proposal are whether it is acceptable in principle, and if so, whether its impact on the amenity of the locality, including the Area of Special Historic Landscape Interest (LC14), and its impact on neighbours are also acceptable.

The principle of the development

The children's den requires planning permission because it comprises a raised platform area, is located within 2 metres of the boundary and exceeds 2.5 metres in height. The site is located within the open countryside where, in principle, residential extensions/alterations are acceptable subject to certain criteria being fulfilled. In this case policy RD2 of the local plan permits alterations to existing dwellings. Policy RD10 of the local plan permits alterations to dwellings subject to not exceeding the volume of the original dwelling by more

than 20%, the original dwelling forming the dominant feature. In addition, the alteration must be designed to be in character with the area and should not adversely affect the amenity of residents or the locality. The principle of altering a dwelling in the open countryside is therefore acceptable.

Impact on the LC14 Area of Special Historic Landscape Interest and the amenity of the locality

In terms of the LC14 area, the den is visible on the landscape. However, it is a small timber structure located adjacent to two garages within the curtilage of a residential property. As a result no adverse impact is caused to the LC14 area. This view is endorsed by HER. In terms of the open countryside, the den is visible from the lane, with limited views from Low Hall Road, However, the den is a small-scale timber structure that is an acceptable form development in the rural area. As a result no adverse impact is caused to the open countryside. The proposal therefore accords with policies RD2, RD10, LC14, DS1 and DS5 of the North Lincolnshire Local Plan.

Impact on the neighbour

The den has been sited adjacent to the neighbour's boundary. This neighbour's large two-storey garage and extensive car parking area are located adjacent to the den. The case officer has inspected the den from this neighbour's property. There is potential for users of the raised platform of the den to see into the neighbour's parking area, with a more limited view into the neighbour's window. The den will not be in use all the time and it is designed for use by children. It is considered that the overlooking of the neighbour's property is marginal. And, whilst the den could be used by a number of children at any one time, it is not considered that the resultant noise and disturbance would be such that a refusal could be justified on noise grounds. The applicant has removed grab climb handles from the den and is willing to remove the ladder and block the eastern end of the den at the door to ensure no user of the den will have a view into the objector's property. This is a sensible compromise by the applicant and, if permission is granted, it will be conditioned accordingly. The proposal therefore accords with policies RD2, RD10, DS1 and DS5 of the North Lincolnshire Local Plan and, subject to conditions, is considered to be acceptable.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan and photographs dated stamped 14 January 2019 and 5 February 2019 and the applicant's email dated 8 March 2019.

Reason

For the avoidance of doubt and in the interests of proper planning.

2.

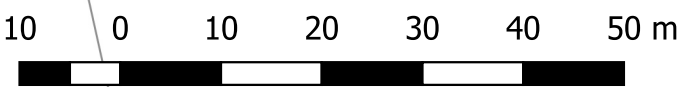
Within one month of the date of this decision, the existing ladder located on the eastern elevation of the play den shall be re-sited onto the west elevation, and the eastern end of the raised platform area of the play den shall be blocked off at the door frame with suitable close-boarded style fencing or timber boarding to the satisfaction of the local planning authority, and thereafter retained as such at all times.

Reason

To avoid overlooking into the neighbour's property in accordance with policies RD2, RD10, DS1 and DS5 of the North Lincolnshire Local Plan.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



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