DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0910-25**	**Applicant:**	**Mr S Paterson**
Proposal:	Demolition of existing conservatory, partial demolition of existing utility at the rear & erection of a single storey flat roof extension		
Location:	8 Peterborough Road Crowland Peterborough		
Terminal Date:	26th November 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Section 192 of the Town and Country Planning Act (1990) (as amended)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an application submitted under S192 of the Town and Country Planning Act 1990. The applicant seeks confirmation as to whether the works outline below would be lawful or would require the submission of a formal planning application:

Demolition of existing conservatory, partial demolition of existing utility at the rear & erection of a single storey flat roof extension

The applicant has provided a location plan, block plan (existing and proposed), rear elevation plan and completed application form.

The proposed extension would be located to the rear, standing at 2962mm to the highest point of the flat roof, have a depth of 3200mm and measure 9790mm in width. The extension would attach to both a rear and side elevation.

Site Description

The application site relates to a large red brick dwelling that has been extensively modified through extension and alterations.

The proposal fronts Peterborough Road and Blackbird Close runs along the side elevation. The application site is located within the development boundary for Crowland.

History

H02-0699-14 - Demolition of existing garage and erection of two-storey extension and double garage. Approved 01-12-14

Consultation Responses

Parish

No Objection.

Relevant Legislation

Section 192 of the Town and Country Planning Act (1990) (as amended) sets out the following: "Certificate of lawfulness of proposed use or development.

(1) If any person wishes to ascertain whether -
(a) any proposed use of buildings or other land; or
(b) any operations proposed to be carried out in, on, over or under land, would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

(2) If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(3) A certificate under this section shall -
(a) specify the land to which it relates;
(b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);
(c) give the reasons for determining the use or operations to be lawful; and
(d)specify the date of the application for the certificate.

(4) The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.]" Therefore, the LPA needs to be provided with sufficient information to demonstrate that, the proposed building is lawful in planning terms and would not require full planning permission.

Planning Considerations

The applicant seeks the LPAs opinion on whether the erection of a rear, side extension is lawful, in that planning permission would not be required. Given the scope of works it is pertinent to considered permitted development rights, it is of note that the application site is not located within a conservation area.

Schedule 2, Part A, GDPO 2015 (as amended)

Paragraph 'f' - Rear Extensions

(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and-
(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
(ii) exceed 4 metres in height;

Paragraph J - Side Extensions

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would-
(i) exceed 4 metres in height,
(ii) have more than a single storey, or
(iii) have a width greater than half the width of the original dwellinghouse

Paragraph JA - relevant to both side and rear

(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);

Assessment

The proposed extension has been assessed against the criteria set out within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

In this case, the extension would project from the rear elevation and would be physically connected to a side element of the dwelling. The proposed structure would have a maximum height of 2.96 metres, a depth of 3.2 metres, and a width of approximately 9.79 metres.

Having regard to paragraph (f), the proposal would comply with the limitations relating to single-storey rear extensions, in that it would not exceed 4 metres in height nor extend beyond the original rear wall by more than 3 metres. However, when considered against paragraph (j), the proposal would fail to meet the criteria for side extensions, as the enlarged part of the dwellinghouse would exceed half the width of the original dwelling.

Furthermore, paragraph (ja) requires consideration of any cumulative enlargements to the original dwellinghouse. In this instance, the proposed extension would be attached to a non-original side addition and (potentially some to the rear), when taken together, would exceed the combined limitations set out under paragraphs (e) to (j).

Accordingly, the proposed development would not fall within the scope of permitted development rights granted under Class A of the GPDO. As such, express planning permission would be required for the works.

Lawful Development Test

On the balance of probability, and based on the evidence submitted, the proposed works would not constitute permitted development within the meaning of the GPDO. The Local Planning Authority is therefore not satisfied that the operations described in the application would be lawful if carried out at the time of determination.

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.

Conclusion

Having regard to the submitted details and the relevant provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), it is concluded that the proposed demolition and single-storey rear extension would not constitute permitted development. The proposal would fail to satisfy the limitations set out under Class A, paragraphs J and JA, as the extension would attach to a side elevation (and partially a non-original part of the rear elevation) and exceed half the width of the original dwellinghouse.

Consequently, the proposed works would require express planning permission under the Town and Country Planning Act 1990 (as amended). A Certificate of Lawfulness (Proposed) cannot therefore be issued in this case.