

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-1063-25 **Applicant:** Mr I Ford
Proposal: Proposed replacement of windows & door
Location: 1 Badgate Road Donington Spalding
Terminal Date: 23rd December 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Representations:

	Object	Support	No Obj.	Comments
--	---------------	----------------	----------------	-----------------

CASE OFFICER ASSESSMENT

Description of Proposal

This application seeks a Lawful Development Certificate to confirm that works yet to be undertaken would be lawful.

The proposed works are for replacement of windows & door to the front elevation of no.1 Badgate, Donington.

The existing front elevation timber windows are to be replaced with UPVC windows in dark grey to match those on the rear elevation. The application confirms that the style of the windows proposed will be plain casements to match the existing style and that only the colour will be changed - from brown to dark grey.

No drawings have been provided, only photographs of the existing front of the dwelling and that of the rear.

Whilst the application states that the style of the windows would remain the same, only the colour would change and they would match those on the rear, it is noted that the style of the windows to the front differs slightly to those at the rear, with those at the front having slimmer frames and a gentle arch at the head.

The application initially gave little detail about the proposed front door. It states that there would be 'replacement of the thermally inefficient, outdated brown timber windows and UPVC front door for modern thermally efficient windows in a dark grey colour to match those on the rear elevation (colour only, no fanlights proposed).'

Further information regarding the proposed front door was sought and a photograph received.

The application confirms that there would be 'no external envelope alterations, leaving the massing of the street scene undisturbed'.

Site Description

The application building is large detached house in a spacious setting fronting a village green with a similarly designed house adjacent on its northern side, and a more historic property to the south.

The site lies within the Donington Conservation Area which was designated in 1972. No Article 4 Direction applies to the property.

Relevant History

H04-0567-86 - Erection of 38 Dwellings. Limited information is available regarding this permission which granted approval for the dwelling the subject of this application. The decision notice is available which shows that Permitted Development Rights were not removed.

Consultation Responses

Not applicable.

Public Representations

Not applicable

Key Planning Considerations

Evaluation

This application is a legal determination and planning policy is not relevant to the determination as to whether the proposed use would be lawful.

The key issue for decision is whether the proposed works are either (i) not development; or (ii) permitted development.

The works are considered to be development, as defined by section 55 of the Town and Country Planning Act 1990, because they involve building operations that are either "structural alterations of or additions to buildings" or "other operations normally undertaken by a person carrying on business as a builder".

Planning Considerations

The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

The relevant provision of the Permitted Development Order is Schedule 2, Part 1, Class A.

Schedule 2 Part 1 Class A of the GPDO permits the 'enlargement, improvement or other alteration of a dwellinghouse' and as such, typically relates to extensions (not including porches), but is also the applicable provision in this case.

This Class states that:

A.1 Development is not permitted by Class A if-

a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

The dwelling was not granted permission via the relevant Classes, therefore the scheme conforms with (a)

(b)- (ja) relate to works that extend or enlarge the dwelling.

As the proposed works do not seek to do this, these criteria are complied with.

(k) it would consist of or include-

- (i) the construction or provision of a verandah, balcony or raised platform,*
- (ii) the installation, alteration or replacement of a microwave antenna,*
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or*
- (iv) an alteration to any part of the roof of the dwellinghouse.*

The proposal would not result in the creation of any of the above

(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

Not applicable

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if-

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;*
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or*
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.*
- (d) 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 subparagraphs (b) and (c).*

The proposal does not propose any cladding or seek to enlarge the property, so these criteria are also complied with.

Conditions

A.3 Development is permitted by Class A subject to the following conditions-

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;*

Whilst the materials to be used are slightly different in appearance and have different properties, when viewed as part of this property as a whole, such differences would not be overly apparent in this particular instance and as such, the proposal is considered to comply with the provisions in the Order.

(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be

- (i) obscure-glazed, and*
- (ii) non-opening unless the parts of the window which can be opened are more than 1.7metres above the floor of the room in which the window is installed;*

Not applicable.

(c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse

Not applicable, as the proposal would not extend the dwelling.

A.4 (1) *The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).*

Not applicable.

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 an 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).

Conclusion

For the reasons set out above, the proposed new windows and doors would conform to the details within The Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 1, Classes A. The proposal is therefore considered to be permitted development.

Recommendation

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