DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-0194-22**	**Applicant:**	**Mr & Mrs M Edmonds**
Proposal:	Proposed rear extension		
Location:	Hardwick Cottage Church End Fleet		
Terminal Date:	15th April 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019
National Guidance **National Planning Policy Framework 2021**

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This is a S192 application for a Lawful Development Certificate for the proposed erection of a single storey rear extension measuring 2.5 metres (depth) x 7.6 metres (width) and standing at 3.2 metres in height. The extension would have cedral weatherboarding.

SITE DESCRIPTION

The property is a detached chalet bungalow located on Church End in Fleet. The site is within the Fleet settlement boundary. The bungalow is red brick built and has brown door/window frames. It has 3no dormer windows to the front. There is a gravelled driveway to the front/side which leads to a detached double garage towards the rear. The immediate area is residential, comprising dwellings of varying designs. The site backs onto open countryside.

History

H05-0683-98 - Residential development comprising 1 house, 1 bungalow and 1 chalet bungalow, with detached double garages - Approved

H05-0727-96 - Erection of three dwellings without requirement to construct footway - condition 5 of H05/0433/95 - Refusal

H05-0433-95 - Erect three detached dwellings - Approved

Consultation Responses

No comments.

Planning Considerations

Compliance with Class A, Part 1 of the General Permitted Development Order (2015)

The proposal does not comply with the relevant criteria. The eaves of the extension would sit higher than the eaves of the existing bungalow and the external materials would not match the existing bungalow therefore it would not meet the permitted development criteria.

PLANNING BALANCE

The proposal does not constitute permitted development as the eaves of the extension would sit higher than the eaves of the existing bungalow and the external materials would not match the existing bungalow.

CONCLUSION

The proposed extension does not constitute permitted development under sections A.1 (d) and A.3 (a) of Part 1, Class A, Schedule 2 of the General Permitted Development Order (2015).

Accordingly, it is concluded that a certificate of lawfulness should be refused.

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.

RECOMMENDATION

The certificate of lawfulness is refused under delegated powers.