DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H06-0785-21**	**Applicant:**	**Mr Pallett**
Proposal:	Single storey flat roof dining room extension		
Location:	The Willows Pit Lane Gedney Drove End		
Terminal Date:	2nd September 2021		

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 an application to determine whether prior approval is required for a single storey rear extension to create a dining room. The kitchen extension would measure approx. 5.1 metres (depth) x 3.5 metres (width) and standing at 2.7 metres in height (3.1 metres including roof lantern).

SITE DESCRIPTION

The property is a detached bungalow located on Pit Lane in Gedney Drove End. The property benefits from a detached garage and a driveway to the front providing off-street parking provision for several vehicles. The site backs onto the open countryside. The immediate area comprises a mixture of single and two storey dwellings, varying in design and materials.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

No comments received.

PLANNING CONSIDERATIONS

Part A.1 of Class A, Part 1, Schedule 2 of the General Permitted Development Order 2015 (as amended) (GDPO) states that 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 M, N, P or Q of Part 3 of this Schedule (changes of use);
(b)as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
(c)the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;
(d)the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;
(e)the enlarged part of the dwellinghouse would extend beyond a wall which:
(i)forms the principal elevation of the original dwellinghouse; or
(ii)fronts a highway and forms a side elevation of the original dwellinghouse;
(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;
(g)until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, 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 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
(ii)exceed 4 metres in height;
(h)the enlarged part of the dwellinghouse would have more than a single storey and:
(i)extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
(ii)be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;
(i)the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;
(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; or
(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 proposed extension does not meet the requirements of Schedule 2 Part 1 of Class A of the Town and Country Planning (General Permitted Development) Order 2015 as the eaves of the extension would be higher than the eaves of the existing bungalow. As such it cannot be assessed under a Larger Home Extension application as it does not accord with Section A1(d) of Schedule 2, Part 1 1 of the General Permitted Development Order (2015).

Planning Balance

In light of the above considerations the proposal is not considered to be in accordance with Class A, Part 1 of Schedule 2 of the General Permitted Development Order 2015 (as amended).

CONCLUSION

In light of the considerations above, the proposal is not considered to be in accordance with Class A, Part 1 of Schedule 2 of the General Permitted Development Order 2015 (as amended).

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

A delegated refusal is considered to be appropriate.