

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H07-1039-25 **Applicant:** Mr Lomas
Proposal: Replacement of existing garage doors with UPVC sliding patio doors
Location: 33 North Road Gedney Hill Spalding
Terminal Date: 19th 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
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CASE OFFICER ASSESSMENT

Proposal

The application seeks consent for a lawful development certificate for the replacement of existing garage doors with UPVC sliding patio doors. Consent is sought under Section 192 of the Town and Country Planning Act (1990) (as amended).

Site Description

The site comprises 33 North Road, Gedney Hill, which is a detached dwelling located to the north-west of North Road. The site is adjoined by other residential dwellings. Within the site, the garage is attached to the front of the dwelling and the existing garage doors are located on the southern side elevation.

Relevant Planning History

H07-0959-00: (Outline Application) Residential development to frontage with revised agricultural access - approved 24 October 2000

H07-0090-02: (Full Application) Erection of a 5-bed house and detached double garage - approved 08 May 2002

H07-0167-04: (Full Application) Erection of double garage - approved 02 April 2004

H07-1245-04: (Outline Application) Residential development - one 3/4 bedroom bungalow and single garage - refused 10 November 2004 - appeal withdrawn 09 May 2005

H07-0302-05: (Outline Application) Residential development - single dwelling - approved 28 April 2005

H07-0562-06: (Full Application) Proposed detached five-bed house and triple garage - refused 19 June 2006

H07-0968-06: (Reserved Matters) Erection of five-bed house and double garage - refused 25 August 2006

H07-1366-06: (Reserved Matters) Erection of five-bed house and attached double garage - approved 22 November 2006

H07-1681-06: (Discharge of Conditions) Schedule of external materials (Condition 2 of H07/1366/06) - approved 28 December 2006

H07-1002-07: (Full Application) Sun lounge extension - approved 31 August 2007

H07-0260-08: (Discharge of Conditions) Details of existing and proposed site levels & design and position of meter boxes (Conditions 3 & 4 of H07/1366/06) - approved 27 March 2008

Consultation

There is no statutory obligation for the Local Authority to publicise an application for a certificate of lawful development. Notwithstanding this, a site notice has been displayed for 21 days. No public representations have been received during the consultation period.

Key Planning Considerations

Assessment

This application is a legal determination and planning policy is not relevant to the determination as to whether the proposed development 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".

The planning history of the site was investigated. As set out previously, various planning approvals and refusals have been issued for the site. The most relevant approval in this case is reserved matters approval H07-1366-06. It appears that this approval has been implemented, and the dwelling has been constructed in accordance with the approved plans. Permitted development rights have been partially removed as Condition 5 of reserved matters approval H07-1366-06 set out the following:

"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out without the prior written approval of the Local Planning Authority:

- i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
- ii) the erection of house extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;
- iii) alterations including the installation of replacement or additional windows or doors and the installation of roof windows.

Reason: To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity and the visual amenity and character of the area within which it is set.

This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local

Plan, 2006."

Whilst there are permitted development rights that could have allowed for the replacement of the doors, as permitted development rights have been removed, planning permission is required for the proposed replacement doors in this instance.

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

Permitted development rights have been removed under condition 5 of approval H07-1366-06. As such, planning permission is required for the proposed replacement doors in this instance and the certificate of lawfulness cannot be issued in this case.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be refused under delegated authority.