DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H07-1090-24**	**Applicant:**	**Mrs J Hudson**
Proposal:	Erection of Conservatory		
Location:	The Willows 181 North Road Gedney Hill		
Terminal Date:	25th February 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

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

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This is an application for a Lawful Development Certificate to confirm that the proposed single storey rear extension at The Willows 181 North Road in Gedney Hill is lawful and does not require the submission of a planning application.

Site Description

The application site is a detached single storey dwelling that lies on North Road, Gedney Hill. The site lies within a countryside location with open fields to the north, east south and west.

History

No relevant planning history.

Consultation Responses

There is no statutory obligation for the Local Authority to publicise an application for a certificate of lawful development.

Evaluation

The proposal involves the assessment of a single storey rear extension at The Willows 181 North Road in Gedney Hill.

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".

The planning history of the site was investigated. Permitted development rights had not been removed by any previous permissions and the proposal.

The Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 as amended- 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). Class A sets out circumstances within which development is not permitted by Class A within Paragraph A.1, criteria a) to l). The proposed extension is assessed against these criteria below.

"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 part a.

"(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);

The proposed works would not result in the total area of ground covered by buildings to exceed 50%.

"(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;"

The height of the extension would be set at 4m, this does not exceed the height of the existing dwelling.

"(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;"

The eaves height of the proposed extension is approximately 2.3m, level with that of the host dwelling.

"(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;"

The extension would be located to the rear of the dwellinghouse. The extension would not form a principal elevation nor would it front a highway and form a side elevation.

"(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;"

The proposal would extend beyond the rear wall by 3.8m, and would not exceed 4m in height.

"(g) 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;"

The dwelling is not within article 2(3) land nor within an SSSI. The extension would measure 3.8m in depth, conforming to the limitations for a detached dwellinghouse. The height of the extension would not exceed 4m.

"(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 being enlarged which is opposite the rear wall of that dwellinghouse;"

The proposal comprises a single storey extension and as such parts h)i) and h)ii) are not relevant..

"(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwelling house, and the height of the eaves of the enlarged part would exceed 3 metres;"

The proposed extension would feature an eaves height below 3m in height, with the eaves being 2.3m. The conservatory is not within 2m of the boundary of curtilage of bungalow.

"(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"

The proposal would be a rear extension. As such, the proposal would not extend beyond the side elevation of the original dwellinghouse and accords with part j.

"(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);"

The proposal would conform with paragraphs e) to j).

"(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)."

The dwelling was not built under Part 20 of this Schedule.

Paragraph A.2 relates to sites on article 2(3) land. The site is not on article 2(3) land and as such this is not relevant

Paragraph A.3 sets out conditions that Class A is subject to (criteria a to c). The proposed extension is assessed against these conditions below.

(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;

(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; and

(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."

The proposal would conform to the above conditions. The proposal is for a conservatory and no upper floor windows are proposed.

This assessment is based on the measurements and information provided by the applicant.

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

As listed above, the proposed extension would conform to the details within The Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 1, Class 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.