DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0633-23**	**Applicant:**	**Mr M Bacon**
Proposal:	Re-roof property with slates		
Location:	8 Chancery Lane Holbeach Spalding		
Terminal Date:	18th September 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2021

Not applicable for a Lawful Development Certificate section192 application as it is a legal determination.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	1
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an application for a Lawful Development Certificate to confirm that the re-roofing of 8 Chancery Lane, Holbeach with slates is lawful and does not require the submission of a planning application.

Site Description

The application site is a mid terrace two storey dwelling which lies on Chancery Lane, Holbeach and

is located within the Holbeach Conservation Area. The immediate area is characterised by dwellings of varying designs.

History

No relevant planning history.

Consultation Responses

Holbeach Ward Cllr

This is a small mid terrace house that is currently being updated with modern windows and facials, as have other houses in the terrace. Reroofing with slates wouldn't cause any issues with the look of the property, and as there are various properties from modern to more traditional properties that have been updated in this small street I don't think it would have a negative impact in the area.

Holbeach Parish Council

No objections

Historic Places Team Lincolnshire County Council

No archaeological input required

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of representation has been received.

These can be summarised as:

-No opposed to the application, just concerned the works have already started

Evaluation

The proposal involves the re-roofing of 8 Chancery Lane, Holbeach with slates.

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.

Planning Considerations

The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 1 Class A - enlargement, improvement or other alteration of a dwellinghouse

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;

Yes, the existing roof is slate. The proposal is to re-roof the dwelling with the re-used slates from the existing roof and new composite slate to the rear. Therefore, the proposed materials would be re-

used and/or very similar to those currently in use, the replacement of materials would be permitted development and therefore would not require the submission of a planning application.

Conclusion

The proposed extension constitutes permitted development under Class A, Part 1 of the General Permitted Development Order (2015).

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.