DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-0675-21**	**Applicant:**	**Mr S E Huckstep**
Proposal:	Erection of Conservatory		
Location:	4 Kings Road Holbeach Spalding		
Terminal Date:	16th August 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2019

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

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

PROPOSAL

This is a Section 191 certificate application for an existing single storey conservatory at the rear of 4 King Road, Holbeach, PE12 7BJ. The conservatory projects 3.4 metres from the original rear wall and stands at 3.25 metres in height (2.25 metres to the eaves.

SITE DESCRIPTION

The site is a detached bungalow located on kings Road in Holbeach. The site benefits from a single garage, attached to the neighbours garage and one further parking space in front of the garage. The immediate area comprises a mixture of single and two storey dwellings.

RELEVANT HISTORY

No relevant planning history.

CONSULTATION RESPONSES

None.

PLANNING CONSIDERATIONS

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

The proposal complies with the relevant criteria. The conservatory does not project more than 4 metres from the original rear elevation wall, it does not project beyond a side elevation wall and it does not exceed 4 metres in height.

PLANNING BALANCE

The proposal constitutes permitted development. Therefore, any other observations that may be made carry no weight in planning terms.

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.