DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0828-24**	**Applicant:**	**J Bryan**
Proposal:	Loft conversion to form dormer with flat roof at the rear		
Location:	8 Washway Road Holbeach Spalding		
Terminal Date:	28th November 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019
National Guidance **National Planning Policy Framework 2023**

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

The application seeks consent for a lawful development certificate for a proposed loft conversion for a dormer extension which would feature a flat roof. The extension is proposed to be located to the rear of the dwelling on the existing sloping roof. The existing hipped roof form of the dwelling would therefore be altered to form a gable end roof form.

Two roof lights are proposed on the front roof slope of the dwelling. This does not require planning permission.

The existing chimney breast is proposed to be removed. This also does not require planning permission.

Site Description

The application site comprises land at 8 Washway Road, Holbeach. The site features a two-storey semi-detached dwelling and its associated garden space.

Planning History

No planning applications have previously been submitted within the site.

Consultation

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

lawful development. A site notice has however been displayed next to the site for 21 days.

Key Planning Considerations

Evidence Provided

The following documentation has been submitted:

-Application Form (PP-13454385);
-Existing First Floor Plan (2706-2 Rev C);
-Existing Loft Floor Plan (2706-4 Rev C);
-Proposed First Floor Plans (2706-3 Rev C);
-Proposed Loft Floor Plan (2706-5 Rev C);
-Existing Elevations (2706-6 Rev C);
-Proposed Elevations (2706-7 Rev C);
-Proposed Section (2706-8 Rev C);
-Specification (2706-10 Rev C); and
-Specification (2706-10 Rev C).

An amended elevations plan was submitted during the determination of the application to clarify that the proposed materials for the extension would match the host dwelling. The reference for this plan remains unchanged, however it was received on 28 October 2024, and as such it is referred to as such within the list of plans upon which the application was determined.

Assessment

Schedule 2, Part 1, Class B, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) permits *"additions etc to the roof of a dwellinghouse"* and as such, typically relates to roof extensions. Class B is subject to various restrictions and conditions. The proposed development is assessed against these restrictions and conditions below:

"Restrictions:
B.1
(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 proposal was not granted permission via the above referenced classes

"(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof"

- The proposed dormer / roof extension would not exceed the highest part of the existing roof.

"(c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway"

- The proposed dormer extension is located at the rear of the dwelling and as such is not located on the principal elevation and the elevation does not front a highway.

"(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than
(i) 40 cubic metres in the case of a terrace house, or
(ii) 50 cubic metres in any other case"

- The volume of the existing roof space is approximately 57 cubic metres. The volume of the proposed roof space is approximately 100.5 cubic metres. This represents an increase of 43.5 cubic metres. This is under the 50 cubic metre maximum allowance for semi-detached dwellings, and as such, this accords with the requirements of part (ii).

"(e) it would consist of or include
(i) the construction or provision of a verandah, balcony or raised platform, or
(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe"

- The proposed development does not seek to install a verandah, balcony or raised platform. The

development seeks to remove a chimney breast, however, a new chimney breast is not proposed and as such this is considered to comprise permitted development.

"(f) the dwellinghouse is on article 2(3) land"

- The site is not within article 2(3) land.

"(g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)"

- The dwelling within the site was not built under Part 20.

"(h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys)."

- The dwelling within the site has not been enlarged based on Class AA.

"Conditions:
B.2
(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse"

- The applicant's agent has clarified that the dormer walls will feature hanging tiles to match the existing roof colour. This has also been clarified within an amended version of the elevation plans.

"(b) the enlargement must be constructed so thatâ??
(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extensionâ??
(aa) the eaves of the original roof are maintained or reinstated; and
(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and
(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse"

- Part (b)(i) does not apply as a hip-to-gable enlargement is proposed.
- The proposed dormer extension would not extend beyond the outside face of any external wall of the original dwelling house.

"(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must beâ??
(i) obscure-glazed, and
(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed."

- No windows are proposed on the side elevation.

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 B. 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.