DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0939-24**	**Applicant:**	**Mr A Janceski**
Proposal:	Proposed single storey rear extension		
Location:	4 Church Lane Moulton Spalding		
Terminal Date:	27th December 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Representations:

	Object	Support	No Obj.	Comments
RESIDENTS	0	1	0	0

CASE OFFICER ASSESSMENT

Proposal

This a prior approval application, made under Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015, for a proposed single storey rear extension at 4 Church Lane, Moulton.

Site Description

The site is located within the defined settlement boundary of Moulton, as outlined in the South East Lincolnshire Local Plan, 2019.

History

H13-1154-07 - Extension, alterations and detached double garage - Approved

Consultation Responses

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 which is summarised as follows:

- I am very supportive of the application; given that the owners, are taking the time and care to refurbish and extend it to a high standard.

Planning Considerations

As a single storey extension, the proposal is to be assessed under the criteria outlined within Class A of Schedule 2 Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Assessing the proposal against the relevant considerations within this Order, the following is considered:

(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 relevant Classes, therefore the scheme conforms with (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 ground area covered by buildings would not exceed 50% of the curtilage.

(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 not exceed the height of the highest part of the existing dwellinghouses roof.

(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 height of the eaves will not exceed the eaves of the existing 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.

(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;

While the proposed extension exceeds these parameters, a larger extension may be permitted, subject to conformity to the limitations of paragraph (g) and the stipulations within A.4 of this section of the Order. This is the subject of this proposal.

(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 front garden of the dwelling is located within article 2(3) land however this is not considered to conflict with this section of legislation and it is not an SSSI. The extension would measure 4.02m in depth, it will extend beyond the original rear wall and will extend from a previous extension. However, this previous extension only protrudes by 3.98m taking the total to 8m. This would therefore be acceptable. The height of the extension is 4m and therefore falls within the limitations outlined here.

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

The enlarged part of the dwellinghouse to the closest boundary is 3.54m and the eaves height is below 3m.

(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

The enlarged part of the dwelling extends beyond a rear wall.

(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 to paragraphs e to j and would not exceed the limits when the existing extension is considered.

(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

None of the above is proposed

(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.

Conditions

Section A.3 of Part 1 outlines that 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;
(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 1.7 metres 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. All materials would match the host dwelling and no upper floor windows are proposed.

Impacts Upon Resident Amenity

Paragraph A.4(7), where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises. No objections have been received; therefore, prior approval is not required in this instance.

In any event, the isolation of the dwelling would ensure that no overlooking or overshadowing would occur.

Conclusion

The planning history of the site was investigated and permitted development rights had not been removed by any previous permissions. The proposed extension exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) as a larger extension subject to conditions discussed above.

Further to the above assessment, the proposal, if built fully in accordance with the submitted plans would be permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended).

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.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.