

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0385-24 **Applicant:** Mr & Mrs Porter
Proposal: Proposed single storey rear extension
Location: 103 Six House Bank West Pinchbeck Spalding
Terminal Date: 10th June 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

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

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

This is an application to determine whether prior approval is required for a proposed single storey rear extension at 103 Six House Bank.

Site Description

The site is located within the defined settlement boundary of Northgate as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). 103 Six House Bank is in a row of detached bungalows along this section of Six House Bank which are all made from similar materials and of a similar size/design. Some properties in the immediate area are two storey or chalet bungalows which shows a clear variation and that there is no one set design.

History

H14-1561-89 - Residential development - Approved

H14-1315-92 - Residential development (renewal of outline permission reference H14/1561/89) - Approved

H14-0124-96 - Residential development (renewal of application H14/1315/92) - Approved

Consultation Responses

Public Representation

This prior notification application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Planning Considerations

The proposal is for the erection of a single storey extension to the rear of the dwelling, therefore falls to be assessed against the criteria as set out in Class A of Schedule 2 Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Paragraph A.1(g) of Class A, Part 1, Schedule 2 of the General Permitted Development Order 2015 (as amended) (GDPO) states that house enlargements not on article 2(3) land nor on a site of special scientific interest would not be permitted if "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".

Paragraph A.3(a) also states that "development is permitted by Class A subject to 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;".

The proposed extension would project from the rear elevation by a maximum of 5.51m and shall have a maximum overall height of 3.6m. These measurements meet the requirements of Class A, Part 1, Schedule 2 of the General Permitted Development Order 2015 (as amended).

It would comply with all other requirements in the regulations pertaining to area of curtilage covered and would not extend beyond the principal elevation or a side elevation fronting a highway. A note can be added to remind the applicant that the external materials must be of similar appearance to the exterior of the existing dwellinghouse.

Furthermore, 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. In this instance, no objections have been received. 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(g) of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended).

In any case, the case officer was in discussion with a resident who reported concerns surrounding overlooking and overshadowing from this development. Although an objection was never formally received these concerns shall be discussed within this section to cover it off. Firstly, in regard to overlooking, the windows featured on the side elevation of the extension facing the nearest neighbour are to a height of 1.85m which is considered to be above the average head height to the point that ensures residents should not be provided a view into a neighbouring property, this is the aim and design of these windows. Furthermore, due to the positioning this should mean no material overshadowing occurs following the construction.

Planning Balance

In light of the above the proposal is considered to be in accordance with Class A, Part 1 of Schedule 2 of the 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.