DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0126-20**	**Applicant:**	**Mr D Ekogiawe**
Proposal:	Proposed single storey rear extension		
Location:	Ty Ddewi 40 Helmsley Way Spalding		
Terminal Date:	23rd March 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2019

Representations:

	Object	Support	No Obj.	Comments
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a prior approval application for a single storey rear extension at 40 Helmsley Way, Spalding.

Site Description

The property is a detached dwelling which is set back from the road. It has a large garden and a driveway to the rear of the property. There is also a small driveway to the north of the dwelling. There is a small garden to the east of the property.

There is no boundary treatment to the front of the property, however there are mature trees and 6ft fencing along the highway to the east of the property.

The dwelling is surrounded by mostly detached dwellings with a similar design and character.

History

No relevant planning history.

Consultation Responses

Internal Drainage Board - Notes that the applicant has not identified or provided a drainage strategy for the site within their application. If a surface water discharge is proposed to a watercourse which is not a main river, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Public (1 comment received, summarised) -
- Query whether existing shed and tree to rear of property are to be retained due to concern regarding integrity of fence if these were to be removed.

Planning Considerations

Para G of Class A, Part 1, Schedule 2 of the General Permitted Development Order 2015 (as amended) (GDPO) states that development 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".

The proposed extension would extend from the rear elevation a maximum of approx. 5.3m and a total width of approx. 8.8m. The maximum height of the proposed extension would be approx. 3.9m, with an eaves height of 2.4m. These measurements meet the requirements of Class A, Part 1, Schedule 2 of the General Permitted Development Order 2015.

It would not extend beyond the principal elevation or a side elevation fronting a highway and the materials which are proposed are to match the existing exterior work. This complies with the General Permitted Development Order 2015.

A surface water drainage strategy is not a requirement of the GDPO, therefore the applicant does not need to identify what drainage strategy they will be providing.

The agent has confirmed that the shed and tree to the rear of the property are to be retained.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Class A, Part 1 of Schedule 2 of the General Permitted Development Order 2015.

The recommendation is therefore to approve.

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.