DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0135-26**	**Applicant:**	**Mr & Mrs J Cooper**
Proposal:	Single Storey Side Extension		
Location:	11 Castlefields Spalding		
Terminal Date:	14th April 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019
National Guidance **National Planning Policy Framework December 2024**

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

The application seeks consent for a lawful development certificate for a single storey extension on the side of a dwelling located at 11 Castlefields in Spalding. Consent is sought under Section 192 of the Town and Country Planning Act (1990) (as amended).

Site Description

The site comprises 11 Castlefields in Spalding. 11 Castlefields is a detached two-storey dwelling located at the end of a cul-de-sac within a residential area.

Relevant Planning History

H16-0988-80: (Outline Application) Erection of one dwelling on land at rear of 62 Pinchbeck Road, Spalding - approved 07 October 1980

H16-0906-84: (Outline Application) Proposed residential development (6 plots) 11-16 phase 2 including layout of extension to estate road - approved 31 October 1984

H16-0100-85: (Reserved Matters) House with garage including vehicular access - approved 1985 (date is unclear on the scanned decision notice)

Consultation

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

certificate of lawful development. Notwithstanding this, a site notice has been displayed for 21 days. No public representations were received during the consultation period.

Key Planning Considerations

Assessment

This application is a legal determination and planning policy is not relevant to the determination as to whether the proposed development would be lawful. In this case, the key matters for consideration include whether the proposed works are either (i) not development; or (ii) permitted development.

The proposed extension is considered to comprise development, as defined by section 55 of the Town and Country Planning Act 1990, because it involves building operations that are either "structural alterations of or additions to buildings" or "other operations normally undertaken by a person carrying on business as a builder".

There are permitted development rights which allow for the extension or alteration of dwellings. These rights are set out within Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Class A allows for the 'enlargement, improvement or other alteration of a dwellinghouse'. Class A is subject to various restrictions and conditions. For example, Part A.1 sets out the circumstances under which development is not permitted by Class A.

The proposals are assessed against these criteria below:

"(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 dwelling was not granted by virtue of the above references Classes and as such, the proposal does not conflict with part 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 proposed extension, combined with the existing dwelling footprint, would not exceed 50% of the curtilage of the site and as such, the proposal does not conflict with part b.

"(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 extension would be smaller than the main part of the dwelling, thereby not conflicting with part c.

"(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 of the extension would not exceed the height of 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 proposed extension would not conflict with part e.

"(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;"

The proposed extension would not conflict with part f.

"(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 proposed extension would not conflict with part g.

"(h) the enlarged part of the dwellinghouse would have more than a single storey and:
(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;
(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 proposed extension would not conflict with part h.

"(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;
(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 proposed extension would not conflict with part h. The extension is proposed at the side of the dwelling; however, the extension would not have a width greater than half the width of the dwelling.

"(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; or"

The proposed extension would not conflict with part k.

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

The proposed extension would not conflict with part k.

Part A.2 is not relevant as the extension is not within article 2(3) land.

Part A.3 sets out various conditions that development needs to comply with in order to be allowed for under Class A. These conditions are considered below:

"(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;"

The submitted plans indicate that the proposed materials will match the existing dwelling as closely as possible, thereby according with part a.

"(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"

No upper floor windows are proposed and as such, part b is not relevant.

"(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 proposed is for a single storey extension and as such, part c is not relevant.

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 set out 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 A. Therefore, the proposal is considered to be permitted development.

Recommendation

Based on the assessment detailed above, it is recommended that the certificate of lawfulness can be granted.