DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0401-21**	**Applicant:**	**Mr & Mrs Nundy**
Proposal:	Single Storey Rear Extension		
Location:	1 Rose Leigh Way Spalding		
Terminal Date:	28th May 2021		

Planning Policies

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

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This is an application to determine whether prior approval is required for a proposed single storey rear extension to the property at 1 Rose Leigh Way, Spalding.

Site Description

The property is a detached dwelling which is situated in a predominantly residential area within the settlement of Spalding.

The dwelling is situated on a private cul de sac, to the north of Fern Drive. The dwelling has a small front garden and a spacious driveway and garage to the west of the dwelling. There is access to the rear garden to the side of the property, and the garden is a spacious size which is typical of the properties in this area.

Dwellings in the area are mostly bungalows and are of a similar age and design.

History

H16-1634-05- Full- Extension over existing detached double garage to provide office- Appeal Dismissed- 25-07-06.

Consultation Responses

No consultation responses received.

Planning Considerations

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.2(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 approx. 6.6m and a maximum overall height of 3.1m. The 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 materials and area of curtilage covered and would not extend beyond the principal elevation or a side elevation fronting a highway.

Planning Balance

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 (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.

Conclusion

The recommendation is to approve.