

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0637-20 **Applicant:** M Stanberry
Proposal: Enlargement of rear extension
Location: Owl Retreat 6 Juniper Crescent Spalding
Terminal Date: 1st October 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development

National Guidance

National Planning Policy Framework 2019

Section 12 of the National Planning Policy Framework (2020)

12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

PROPOSAL

This is a Section 192 certificate application for the enlargement of a rear extension at Owl Retreat, 6 Juniper Crescent, Spalding.

The proposal seeks to remove an existing rear elevation shower room and replace with an extended kitchen and shower area. This extension will extend 3.75 metres from the original rear elevation and does not project beyond a side elevation wall. Brick and tile is to match that of the existing dwelling.

SITE DESCRIPTION

The site is within the defined settlement limits of Spalding and the surrounding area is characterised by dwellings of a similar age and design.

RELEVANT HISTORY

Section 192 Lawful Use Certificate - Proposed extension to provide shower room - Approved - 17 December 2008.

CONSULTATION RESPONSES

None

PLANNING CONSIDERATIONS

Compliance with Class A, Part 1 of the General Permitted Development Order (2015)

The proposal complies with the the relevant criteria. The extension does not project more than 4 metres from the original rear elevation wall, it does not project beyond a side elevation wall, does not exceed 4 metres in height and is constructed from materials to match that of the existing dwelling.

Topography

The topography of the site is flat and there is there not considered to be an overlooking or overshadowing aspect from this single storey proposal.

CONCLUSION

The proposed extension constitutes permitted development under Class A, Part 1 of the General Permitted Development Order (2015).

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.