DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0768-24**	**Applicant:**	**J Ilett**
Proposal:	Proposed single storey rear extension		
Location:	3 Kensington Drive Spalding		
Terminal Date:	15th November 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

N/A

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The application seeks to determine if prior approval is required for a larger home extension. The proposed single storey extension measures 4.86m from the rear of dwelling and 4m in width. The proposed extension features a gable end roof form and measures 3.6m up to the proposed ridgeline.

Site Description

The site comprises land at 3 Kensington Drive in Spalding, which includes a semi-detached single storey bungalow and its associated garden and driveway.

Relevant Planning History

No planning applications have previously been submitted within the site.

Consultation

Neighbouring properties have been consulted on the proposed development. Neighbours were re-

consulted following the receipt of amended plans and were given 23 October 2024 to comment on the amended plans. No representations or objections have been received in this case.

Key Planning Considerations

Evidence Provided

Whether the Proposal Comprises Permitted Development

Schedule 2, Part 1, Class A of the GPDO permits the 'enlargement, improvement or other alteration of a dwellinghouse' and as such, typically relates to extensions (not including porches). Class A sets out circumstances within which development is not permitted by Class A within Paragraph A.1, criteria a) to l). The proposed extension is 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 permission via the relevant Classes, therefore the scheme conforms 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 works would not result in the total area of ground covered by buildings to exceed 50% (excluding the original dwelling).

"(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 height of the extension would be set at 3.6m, which is below the ridgeline of the host dwelling which is 5m.

"(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 eaves height of the proposed extension is approximately 2.4m, which is level with the host 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 extension would be located to the rear of the dwellinghouse. The extension would therefore not form a principal elevation, nor would it front a highway and form a side elevation.

"(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 proposal would extend beyond the rear wall by 4.8m, therefore exceeding the 3m allowance which applies as the dwelling is semi-detached. The extension would not however exceed 4m in height.

"(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 dwelling is not within article 2(3) land nor within an SSSI. The extension would extend beyond the rear wall by 4.8m, conforming to the limitations for a semi-detached dwellinghouse which would allow the dwelling to be extended by 6m. The height of the extension would also not exceed 4m.

Further commentary on this is found below within the "larger home extension" section.

"(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;"

The proposal comprises a single storey extension and as such parts h)i) and h)ii) are not relevant.

"(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwelling house, and the height of the eaves of the enlarged part would exceed 3 metres;"

The proposed extension would be within 1.77m of the western boundary of the site, however, the eaves would measure approximately 2.4m in height. The proposal therefore would comply with part i).

"(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; or"

The proposal is for a rear extension rather than a side extension.

"(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 proposal would conform with paragraphs e) to j) and would not exceed the relevant limits. This is with the exception of part f)i) as the extension would extend beyond the rear wall by more than 3m.

"(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."

The proposal would not result in the creation of any of the above.

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

The dwelling was not built under Part 20 of this Schedule.

Paragraph A.2 relates to sites on article 2(3) land. The site is not on article 2(3) land and as such this is not relevant.

Paragraph A.3 sets out conditions that Class A is subject to (criteria a to c). The proposed extension is assessed against these conditions 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;

(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 1.7metres above the floor of the room in which the window is installed; and

(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 proposal would conform to the above conditions. All materials would match the host dwelling and no upper floor windows are proposed. The proposed extension is proposed to feature a render faÃ§ade and the rest of the dwelling will also feature render. The existing dwelling features a mixture of brickwork and render. As there is existing render on the frontage of the dwelling, the proposed render on other facades is considered to accord with part a).

Larger Home Extension

Paragraph A.4 of Class A sets out other conditions that apply to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g). This is therefore relevant in this case as the proposed extension exceeds 3m in depth. Paragraph A.4 sets out that before beginning the development, the developer must provide various details of the proposed extension by submitting an application to determine if prior approval is required.

Paragraph A.4(7) sets out that 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. No objections have been received; therefore, prior approval is not required in this instance.

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 planning history of the site was investigated and permitted development rights have not been removed by any previous permissions. The proposed extension exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) as a larger extension. No objections have been received and as such prior approval is not required in this case.

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 of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended).

Recommendation

Prior approval is not required.