

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-1107-25 **Applicant:** Mr L Sienski
Proposal: Proposed Veranda
Location: 1 Roeburn Way Spalding
Terminal Date: 21st January 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
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CASE OFFICER ASSESSMENT

Proposal

The application seeks consent for a lawful development certificate for a veranda on the rear (southern) elevation of 1 Roeburn Way, Spalding. Consent is sought under Section 192 of the Town and Country Planning Act (1990) (as amended).

Site Description

The site comprises 1 Roeburn Way, Spalding. 1 Roeburn Way is a semi-detached two-storey dwelling located to the south of Roeburn Way and to the east of Monks House Lane.

Relevant Planning History

H16-0805-98: (Full Application) Distributor road link - withdrawn 08 February 2002

H16-1101-98: (Full Application) Proposed distributor road - withdrawn 19 March 2002

H16-0578-01: (Outline Application) Erection of residential estate development, including community centre, public open space/footpaths/ cycleways - allowed by the Secretary of State 06 November 2003

H16-0525-01: (Full Application) Construction of distributor road - approved 19 December 2001

H16-1356-07: (Reserved Matters) Proposed road layout for residential scheme approved by outline permission H16/0578/01 - not determined

H16-0620-11: (Reserved Matters) Erect 130 dwellings, comprising two-storey and two-and-a-half storey houses and maisonettes (outline 'call-in' decision H16-0578-01) - approved 05 January 2012

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.

The proposed veranda is considered to comprise development, as defined by section 55 of the Town and Country Planning Act 1990 as the veranda would involve 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 such as 1 Roeburn Way. 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, Paragraph A.1 (k) of Class A sets out that development is not permitted by Class A if:

"(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"

As such, verandas are not permitted under Class A and it is considered that a full planning application would be required to apply for permission for the veranda.

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

Verandas are not permitted under Schedule 2, Part 1, Class A of the GPDO and as such, it is considered that a full planning application would be required to apply for permission for the veranda. Therefore, a certificate of lawfulness cannot be granted based on the submitted information in this instance.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be refused under delegated authority.