DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H18-0505-24**	**Applicant:**	**Mrs T Sandercock**
Proposal:	Proposed single storey side extension		
Location:	138 Railway Lane South Sutton Bridge Spalding		
Terminal Date:	31st July 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a lawful development certificate for a proposed single storey side extension at 138 Railway Lane South, Sutton Bridge.

Site Description

The site is located within the defined settlement boundary of Sutton Bridge as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). It is a semi-detached bungalow sharing its boundary with 136 Railway Lane South. Bungalows, similar to this, are a common theme along this road although there are many two storey dwellings as well.

History

No relevant planning history.

Consultation Responses

Sutton Bridge Parish Council

Support.

Planning Considerations

The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended- Schedule 2 Part 1 Class A

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). This Class states that:

A.1 Development is not permitted by Class A if-

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 proposal was not granted permission via the relevant classes.

(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 would not result in the total area of ground covered by buildings to exceed 50%.

(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 proposed extension would be 3880mm in height, this is lower than the existing dwelling house.

(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 proposed eaves will be set at 2634mm with the existing being at 2638mm, they are therefore would not exceed the height of the existing eaves

(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 does not extend beyond the principal elevation nor does it extend beyond a wall which fronts a highway.

(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 extension does extend beyond a rear wall.

(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 site is not located on article 2 (3) land, this is not applicable.

(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
(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 proposed extension would not have more than a single storey and does not extend beyond the rear wall.

(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 enlarged part of the dwellinghouse would not be within 2m of the boundary and at its closest it is approximately 2820mm to the boundary.

(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 does extend beyond a wall forming a side elevation and does not exceed 4m in height (3880mm), it does not have more than a single storey and the width of the extension is not greater than half the width of the original dwellinghouse. It also conforms to the requirements set out in ja.

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

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

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if -
(a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.
(d) 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 (b) and (c).

- The dwelling is not located on Article 2(3) land, this is therefore not applicable.

Conditions

A.3 Development is permitted by Class A subject to the following conditions -

(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 materials are shown to match the existing throughout.

A.4 (1) The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).

- Not applicable as not a proposed larger homes extension

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 listed 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.

The proposal is therefore considered to be permitted development.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.