DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H20-0623-24**	**Applicant:**	**Dr R Joshi**
Proposal:	Erection of single-storey rear extension		
Location:	Northfields Old Fendyke Sutton St James		
Terminal Date:	30th August 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

Representations:

	Object	Support	No Obj.	Comments
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

This a prior approval application, made under Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015, for a flat roofed rear extension at Northfields, Old Fendyke. The proposed extension would have a depth of 8 metres, running the entire width of the house (approximately 17 metres). The flat roof would have a height of 2.63 metres, in line with the eaves of the host.

Site Description

The site is located outside of any of the settlement boundaries outlined within the South East Lincolnshire Local Plan, 2019. As such, the site is considered to be within the open countryside from a planning context. The area is defined by rural agriculture, occasionally featuring isolated farms and farmhouses.

Northfields is fairly typical of dwellings within the district, being an isolated, brown brick bungalow. The dwelling was constructed in the mid-1980s. The existing dwelling is fairly modest in size. An existing rear component is proposed to be demolished to make way for this extension.

Relevant History

H20-0204-85 - Full. 1 no. proposed bungalow with garage including vehicular access. Approved 17/04/85.

H20-1060-13 - S73A. Proposed bungalow with garage including vehicular access (removal of Condition 2 of H20-0204-85 relating to agricultural habitation clause). Approved 04/02/14.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

South Holland Internal Drainage Board

"The Board's Officers have reviewed the documents submitted in support of the above planning application. Officers have noted works which may require Land Drainage Consent from the Board as outlined in the table below and detailed overleaf. Please be aware of the potential for conflict between the planning process and the Board's regulatory regime."

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

As a single storey extension, the proposal is to be assessed under the criteria outlined within Class A of Schedule 2 Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Assessing the proposal against the relevant considerations within this Order, the following is considered:

(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, therefore the scheme conforms with (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 ground area covered by buildings would not exceed 50% of the curtilage.

(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 2.63 metres, below the 4.5 metre maximum of the host.

(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 proposed is approximately 2.63 metres, level with that of 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, following the demolition of an exisitng rear projection.

(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;

While the proposed extension exceeds these parameters, a larger extension may be permitted, subject to conformity to the limitations of paragraph (g) and the stipulations within A.4 of this section of the Order. This is the subject of this proposal.

(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 an SSSI. The extension would measure 8 metres in depth, conforming to the limitations for a detached dwellinghouse. The height of this extension would fall below the limitations outlined here.

(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 proposed extension would comprise an eaves height below 3.0m in height.

(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

The proposal would be integrated with an existing rear extension. The original plans for the dwelling (circa 1985) clearly show that this section is not part of the original dwelling; and therefore, is an extension. As such, the proposal would not extend beyond the side elevation of the original dwellinghouse and is in accordance with part j.

(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 to paragraphs e to j and would not exceed the limits when the existing extension is considered.

(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

None of the above is proposed

(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.

Conditions

Section A.3 of Part 1 outlines that 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;
(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 1.7 metres 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.

Impacts Upon Resident Amenity

Paragraph A.4(7), 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.

In any event, the isolation of the dwelling would ensure that no overlooking or overshadowing would occur.

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 had 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 subject to conditions discussed above.

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

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