DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H20-0703-24**	**Applicant:**	**Dr R Joshi**
Proposal:	Removal of external garage door and installation of window to form utility room & toilet		
Location:	Northfields Old Fendyke Sutton St James		
Terminal Date:	10th October 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Description of Proposal

This is a lawful development certificate application for proposed alterations at Northfields, Old Fendyke. It is proposed that the existing external garage door be removed and replaced by a window in order to form a utility room. The proposal would not result in an extension to the property.

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.

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.

H20-0623-24 - PAA. Erection of single-storey rear extension. Approved 23/08/24.

H20-0735-24 - S192. Proposed single storey rear extension. Ongoing.

Consultation Responses

No consultation responses recieved

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

Evaluation

This application is a legal determination and planning policy is not relevant to the determination as to whether the proposed use would be lawful.

The key issue for decision is whether the proposed works are either (i) not development; or (ii) permitted development. The works are considered to be development, as defined by section 55 of the Town and Country Planning Act 1990, because they 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".

The planning history of the site was investigated. Permitted development rights had not been removed by any previous permissions.

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 dwelling 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 proposed works would not result in the total area of ground covered by buildings to exceed 50% as no extension to the dwelling is proposed.

(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

No extension is proposed, and the height of the dwelling would not be altered.

(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 proposal would not impact upon the height of the 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;

Despite being located on the principle elevation, the proposal would not extend the dwellinghouse. Therefore, the proposal conforms to paragraph e.

(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 not extend the dwellinghouse, therefore, conforming to part f

(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;

Not applicable as application is not for an extension

(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 would not extend the dwelling and therefore conform to paragraph h

(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 proposal would not extend the dwelling, and therefore conforms to 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

(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 not extend the dwellinghouse, and therefore conforms to part j

(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)

Not applicable

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 property is not on article 2(3) land therefore is 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 proposed materials would be consistent with the host

(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

The window would be located on the ground floor

(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

Not applicable, as the proposal would not extend the dwelling.

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 garage conversion and alterations would conform to the details within The Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 1, Classes 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.