DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H22-0630-26	**Applicant:**	Mr R & Mrs C Reimann
Proposal:	Creation of ensuite shower room within the existing roof space, construction of dormer/roof alteration to provide headroom with obscure glazed side-facing window		
Location:	44 Broadgate Weston Spalding		
Terminal Date:	31st August 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

CASE OFFICER ASSESSMENT

Proposal

The application seeks consent for a lawful development certificate for a roof extension. The description of development refers to the creation of an ensuite shower room within the existing roof space of the dwelling, and the construction of a dormer / roof alteration to provide headroom with an obscure glazed side-facing window.

Site Description

The application site comprises land at 44 Broadgate in Weston which features a detached two-storey dwelling and its associated driveway and garden space.

Planning History

No planning applications have previously been submitted within the site.

Consultation

There is no statutory obligation for the Local Authority to publicise an application for a certificate of lawful development; however, a site notice has however been displayed next to the site for 21 days. In this instance, no representations have been received from members of the public.

Key Planning Considerations

Assessment

Schedule 2, Part 1, Class B, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) permits *"additions etc to the roof of a dwellinghouse"* and as such, typically relates to roof extensions. Class B is subject to various restrictions and conditions. The proposed development is assessed against these restrictions and conditions below:

"Restrictions:
B.1
(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 above referenced classes.

"(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof"

- The proposed dormer / roof extension would not exceed the highest part of the existing roof.

"(c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway"

- The proposed dormer extension is located on the side elevation of the dwelling and as such, this is not considered to comprise the principal elevation. The side elevation also does not front a highway.

"(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than
(i) 40 cubic metres in the case of a terrace house, or
(ii) 50 cubic metres in any other case"

- The volume of the existing roof space is approximately 245 cubic metres. The volume of the proposed roof space is approximately 11.5 cubic metres. This is under the 50 cubic metre maximum allowance for detached dwellings and as such, this accords with the requirements of part (ii).

"(e) it would consist of or include
(i) the construction or provision of a verandah, balcony or raised platform, or
(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe"

- The proposed development does not seek to install a verandah, balcony or raised platform.

"(f) the dwellinghouse is on article 2(3) land"

- The site is not within article 2(3) land.

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

- The dwelling within the site was not built under Part 20.

"(h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys)."

- The dwelling within the site has not been enlarged based on Class AA.

"Conditions:
B.2
(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse"

- The submitted plans indicate that the roof covering will match the existing roof, and a white uPVC window is proposed, thereby matching the existing windows on the dwelling. The submitted application form states that the "Materials are shown to be similar in appearance to the existing dwelling, with tile hanging to the dormer".

"(b) the enlargement must be constructed so that
(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension
(aa) the eaves of the original roof are maintained or reinstated; and
(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and
(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse"

- The proposal accords with part b.

"(c) any window inserted on 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."

- The submitted plans show that the proposed window would be obscure glazed and it is considered that the part of the window that can be opened is more than 1.7m from the floor of the proposed bathroom.

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 set out previously, it is considered that the proposed extension would conform to the details set out within The Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 1, Class B. Therefore, the proposal is considered to comprise permitted development.

Recommendation

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