DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H22-0847-23**	**Applicant:**	**Mr M Payne**
Proposal:	Proposed extension and alterations		
Location:	Gate Farm Holbeach Road Spalding		
Terminal Date:	15th November 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

Class A of Part 1 of the General Permitted Development Order 2015 (as amended)

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

PROPOSAL

This is a prior approval larger home extension application at Gate Farm, Holbeach Road, Spalding. The proposal seeks to provide a rear extension that projects 7.988 metres beyond the original rear wall, is 6.75 metres in width, has a 2.5 metre eaves height and a 4 metre ridge height. This extension will contain a hallway, wardrobe, bathroom, bedroom and an en-suite.

The second extension will project 7.988 metres beyond the original rear wall, is 6.75 metres in width, has a 2.5 metre eaves height and a 4 metre ridge height. The second extension will commence level with the frontage elevation wall and is less than half the 13.61 metre width of the original dwelling. This extension will contain a games room, hallway, coat room, wc, pantry, and a combined kitchen / dining area.

Proposed materials of construction are Marley Ludlow concrete interlocking tiles to match the existing roof and brick to match the existing walls. Windows and doors will be white UPVC to match the existing fenestration.

Additional works include a porch to the west facing frontage elevation that meets permitted development criteria, the removal of a chimney, and the repositioning of a window to bedroom 3 on the north facing side elevation. None of these works require planning permission.

SITE DESCRIPTION

The site is outside of defined settlements and is therefore defined in planning terms as being located in the open countryside. The site is bordered by established hedging to the north and west, with post and rail fencing beyond the garden to the east, and the business Wykeham Staff Services to the south. The site is in Environment Agency Flood Zone 3 and a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. As the proposal is for extensions there is not a requirement to raise finished floor levels to address potential flood risk.

RELEVANT HISTORY

None

CONSULTATION RESPONSES

None

PLANNING CONSIDERATIONS

Paragraph A.1(g) of Class A, Part 1, Schedule 2 of the General Permitted Development Order 2015 (as amended) (GDPO) states that house enlargements not on article 2(3) land nor on a site of special scientific interest would not be permitted if "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".

Paragraph A.2(a) also states that "development is permitted by Class A subject to 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 first extension projects 7.988 metres beyond the original rear wall, is 6.75 metres in width, has a 2.5 metre eaves height and a 4 metre ridge height. The second extension will project 7.988 metres beyond the original rear wall, is 6.75 metres in width, has a 2.5 metre eaves height and a 4 metre ridge height. The second extension will commence level with the frontage elevation wall and is less than half the 13.61 metre width of the original dwelling. The measurements meet the requirements of Class A, Part 1, Schedule 2 of the General Permitted Development Order 2015 (as amended).

It would comply with all other requirements in the regulations pertaining to area of curtilage covered and would not extend beyond the principal elevation or a side elevation fronting a highway. A note can be added to remind the applicant that the external materials must be of similar appearance to the exterior of the existing dwellinghouse.

CONCLUSION

In light of the above the proposal is considered to be in accordance with Class A, Part 1 of Schedule 2 of the General Permitted Development Order 2015 (as amended).

RECOMMENDATION

Based on the reasons outlined above, the recommendation is therefore for a delegated approval.

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.