

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H23-0344-19 **Applicant:** Mr Terry McNamara

Proposal: Demolition of existing conservatory and erection of extension, including alterations

Location: 127 Broadgate Whaplode Drove Spalding

Terminal Date: 23rd May 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2019

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

The proposal involves the demolition of an existing rear conservatory with half high walls and existing flat roof area to a WC area at 127 Broadgate, Whaplode Drove and the erection of a rear brick extension on the footprint of the demolished conservatory and addition of a shallow pitch roof covering the new and remain WC area. The proposal also involves an addition of a single skylight of a bathroom.

The application confirms that the new extension extends only 2.7m from the face of the property's rear wall and is less than half the width and that it will occupy only 13m² and will not encroach on the property's existing curtilage. The proposed eaves heights will be lower than 2.5m and all materials proposed will match in similar colour to those already existing.

The application is for a Lawful Development Certificate to confirm that the proposed single storey rear extension falls under what is Permitted Development Rights and therefore does not require planning permission.

The proposal is for a small extension that falls well below the permitted maximum height of 4 metres, the eaves are below the permitted 3 metres in height and it is less than half the width of the original dwelling. The materials proposed also match the existing dwelling.

On this basis, the extension as applied for does fall within Permitted Development Rights and a Certificate to confirm this is considered appropriate on this occasion.

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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.