

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0577-24 **Applicant:** Mrs A Cooper
Proposal: Proposed Single Storey Extension
Location: 12 The Tilney Whaplode Spalding
Terminal Date: 28th August 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

This is a lawful development certificate for a proposed single storey extension to the rear of 12 The Tilney, Whaplode.

Site Description

The site is located within the defined settlement boundary of Whaplode as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). The Tilney is set just off High Road, the main road running through Whaplode, and leads to multiple other estates within the built up residential area. Most plots within this specific estate are of similar sizes with the dwellings themselves varying in design and materials.

History

No relevant planning history.

Consultation Responses

No consultation responses received.

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 proposal was not granted permission via the relevant classes.

(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 extension would not result in the total area of ground covered by buildings to exceed 50%.

(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 proposed extension would be 3600mm in height, this is lower than the existing dwelling house.

(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 proposed eaves will be set at 2600mm they therefore would not exceed the height of the existing 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;

- The extension does not extend beyond the principal elevation nor does it extend beyond a wall which fronts a highway.

(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 extension extends beyond the rear wall by around 3.4m and is a detached property, it is around 3.6m in height at its highest point. It therefore conforms with these points.

(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 site is not located on article 2 (3) land, this is not applicable.

(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

(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 enlarged part of the dwellinghouse would not have more than a single storey and is therefore

not applicable to this section.

(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 enlarged part of the dwellinghouse is within 2m of the boundary of the curtilage however the height of the eaves does not exceed 3m as they are around 2.6m.

(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;

(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 subparagraphs (e) to (j)

- The extension does extend beyond a wall forming a side elevation.

(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.; or

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

- The proposal would not result in the creation of any of the above.

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 subparagraphs (b) and (c).

- The dwelling is not located on Article 2(3) land, this is therefore 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 wall will match the existing brickwork however whilst the roof is not a direct match it will still look similar to the existing and therefore this is still considered to be acceptable.

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