

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H01-0814-22 **Applicant:** Mr J Parnell

Proposal: Proposed single storey rear extension, two storey front and rear extensions, detached garage and alterations to site access - approved under H01-0086-22. Amendments to garage location, roof, rooflights and window.

Location: 52 Backgate Cowbit Spalding

Terminal Date: 14th September 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development

National Guidance

National Planning Policy Framework 2021

12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

PROPOSAL

This is a non-material amendment application at 52 Backgate, Cowbit for a proposed single storey rear extension, two storey front and rear extensions, detached garage and alterations to site access - approved under H01-0086-22. This application seeks amendments to the garage location, as well as the roof, rooflights and window in the garage. The dwelling is unaltered from the originally approved design.

The garage will now be located 1.2 metres from the boundary rather than 0.615 metres. The width and length of the garage will remain at 24.2 metres in width. The gap between the dwelling and garage will remain at 12 metres. The five rooflights on the southern elevation roof slope will be removed and seven rooflights installed in the northern roof slope. A new window is to be sited in the eastern elevation wall at first floor level. The garage height will remain at 6 metres as approved under the application H01-0086-22 but will change from a hipped roof to a gable roof. Materials of construction are to remain as originally approved.

SITE DESCRIPTION

The proposal site is within defined settlement limits and the surrounding area is characterised by linear development of dwellings of varying ages and designs. There are dwellings to the north and west, with arable fields to the east and south. Although part of the rear garden is sited in Environment Agency Flood Zone 2, the land to be developed upon is in Flood Zone 1. The site is not subject to increased flood hazard or flood risk on the 1% 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H01-0351-21

Full - Proposed single storey rear extension, two storey front and rear extensions, detached garage and alterations to site access - Approved - 26 May 2021.

H01-0086-22

Full - Proposed single storey rear extension, two storey front extension & rear extensions, detached garage & alterations to site access - re-submission of H01-0351-21 - Approved - 28 March 2022.

CONSULTATION RESPONSES

None

PLANNING CONSIDERATIONS

This application is assessed against the criteria for assessing whether the proposal amendments are non-material.

All of the following criteria must be met for amendments to be considered under this procedure:

- 1 - There would be no alteration to the application site boundary (red edge).
- 2 - The amendment would not conflict with Development Plan Policies or other Government Guidance.
- 3 - The proposal would not exacerbate concerns raised by third parties at original planning application stage.
- 4 - The proposed change would not be contrary to a condition on the original approval.
- 5 - The approved footprint / siting of the building will not be moved materially and will not have a material impact on a neighbour.
- 6 - The height of the building or extension would not be increased.
- 7 - The amendment would not result in any potential overlooking of any neighbouring property.
- 8 - The amendments must not result in a fundamental change in the design of the building.
- 9 - The proposal does not amount to new works or elements not considered by any Environmental Statement submitted with the application.

When assessed against the above criteria the following can be observed:

1. There will be no alteration to the application site boundary.
2. The amendment will not conflict with Development Plan Policies or other Government Guidance.
3. The proposal does not exacerbate concerns raised by third parties at original planning application stage.
4. The proposed change are not contrary to a condition on the original approval.

5. The approved footprint / siting of the garage will not be moved materially and will not have a material impact on a neighbour.
6. The height of the garage will remain at 6 metres.
7. The amendment will not result in any potential overlooking of any neighbouring property as the relocated rooflights face garden space and an agricultural use building.
8. The garage remains quadruple bay and has the same height, width, length and materials of construction as previously approved.
9. The proposal does not amount to new works or elements not considered by any Environmental Statement submitted with the application.

The proposed amendments are considered to meet the non-material amendment assessment criteria.

PLANNING BALANCE

The proposed amendments are considered to meet the non-material amendment assessment criteria and the application remains in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, 2021.

CONCLUSION

This application is recommended for 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.