

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-0076-25 **Applicant:** Mrs V Garside

Proposal: Proposed Bungalow Extension, Loft Conversion, Internal Alterations and a Replacement Garage with Recreational Space - Approved under H02-0675-24. Amendments to external elevations

Location: 71 Peterborough Road Crowland

Terminal Date: 5th March 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development
- 36 Vehicle and Cycle Parking
- APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 12 - Achieving well designed places.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a non-material amendment application seeking permission to amend the external elevations approved under H02-0675-24.

Site Description

The site is located within the defined settlement boundary of Crowland as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). The dwelling is set back within its plot with foliage and trees along the front curtilage, it is currently made from brickwork, render, white uPVC windows and doors and tiled roof. It is set towards the junction at James Road leading to a roundabout connecting to the A16 connecting Spalding and Crowland to Peterborough.

History

H02-0675-24 - Proposed Bungalow Extension, Loft Conversion, Internal Alterations and a Replacement Garage with Recreational Space - Approved

Consultation Responses

Crowland Parish Council

No objections.

North Level Internal Drainage Board

No objections.

Planning Considerations

The Local Planning Authority has powers under Section 96A of the Town and Country Planning Act 1990 to make a "non-material" change to a planning permission if the Local Planning Authority is satisfied that the change is not material. There is no statutory definition of "non-material"; this is because it is dependent on the context of the overall scheme. As such, an amendment that is considered to be non-material in one context, may be material in another.

South Holland District Council has therefore introduced a system whereby 'minor amendments' to a scheme can be considered as a way of allowing the planning system to respond in a reasonable and flexible manner to small changes to an approved scheme without seeking a fresh application.

South Holland District Council's "Development Control Procedure Note: Non-Material Amendments to Planning Permissions" indicates that non-material amendments will be approved subject to the following criteria being met:

- 1 - There would be no change to the application site boundary and the proposal would be located within it (red line boundary)
- 2 - The amendment would not conflict with development plan policies or other Government guidance
- 3 - There would be no conflict with any conditions on the planning permission
- 4 - The proposal would not make worse any concerns raised by third parties when the original planning permission was considered
- 5 - The approved footprint/siting of the building will not be moved in any direction by more than 1 metre
- 6 - The proposal would not result in an extension to development already approved
- 7 - The height/volume of the building or extension would not be increased or significantly reduced
- 8 - The amendments must not result in a fundamental change in the design of the building
- 9 - The change does not amount to new works or elements which have not been considered by any environmental statement submitted with the original application
- 10 - Amendments to windows/doors/openings must not have any overlooking impact on neighbouring properties
- 11 - There would be no change to the description of development in respect of number of proposed units

The changes under this application solely relate to altering or adding windows, they are listed on the application form as follows:

- Change position slightly of some veluxs
- Making two windows to front elevation smaller
- Remove some veluxs and roof skylights to extension

- Adding two small windows for natural light to gable bathroom and en-suite

The main point of consideration in this instance is Point 10 regarding amendments to windows in that they must not result in any overlooking impact on neighbouring properties. Firstly, there will be two windows removed on the rear elevation and one slightly repositioned, this should not result in any material overlooking as the new window will be in the landing, this is not a habitable room. Furthermore, the south side elevation will feature two new smaller windows, both of which will be in bathrooms and therefore most likely obscure glazed. The changes to the main house conform with point 10.

In addition to this, the detached garage also features some changes with the windows. The south side elevation will have one window removed as well as the north side elevation removing one window. These should therefore not result in any material overlooking impact on neighbouring properties.

Conclusion

The proposal satisfactorily complies with the criteria of the South Holland District Council's "Development Control Procedure Note: Non-Material Amendments to Planning Permissions", and as such is acceptable as a Non-Material Amendment.

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.