

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H02-0237-20 **Applicant:** Mr I Bedford

Proposal: Erection of dwelling - approved under H02-1129-18. Amendment from close boarded fence to brick wall

Location: 1a Harrington Drive Crowland

Terminal Date: 15th April 2020

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 2019

Section 12 - Achieving well designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a non-material amendment application for a proposed amendment of boundary treatment from a close boarded fence to a brick wall at 1A Harrington Drive, Crowland. The approved application H02-1129-18 sought to provide a new two storey dwelling.

This application proposes to change the fencing to the east of the dwelling to a brick wall using the same material as for the dwelling.

Site Description

The site is situated within the settlement boundary of Crowland according to inset map no.3 in the

South East Lincolnshire Local Plan, 2019. The surrounding area is characterised by dwellings of a similar age and varying design.

History

H02-1118-17 - Outline permission for a proposed dwelling - Approved - 17th April 2018

H02-1129-18 - Reserved matters approval for a proposed dwelling - Approved - 11th December 2018

Planning Considerations

Principle of development

Section 96A of the Town and Country planning Act 1990 (introduced by S190 of the Planning Act, 2008) makes it possible to apply for a non-material amendment to existing planning permissions.

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 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 amendment 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.

The criteria set out above are designed to prevent amendments being accepted that would have a detrimental impact upon neighbours or amenity in the wider public interest.

The proposed alteration is:

- Substituting the proposed close boarded fence to the east of the proposed dwelling with a brick wall matching the materials of the dwelling.

Assessing the application against the above criteria:

1. No alterations are proposed to the site boundary;
2. The proposal would not conflict with policies in the South East Lincolnshire Local Plan, 2019;
3. Concerns were not raised by third parties relating to these matters;
4. No specific conditions were imposed relating to the elements proposed to be altered;
5. The footprint of the building will not be moved materially and will not have a material impact on a neighbour;
6. The height of any building or extension would not be increased;
7. No potential overlooking issues would arise;
8. The proposed alteration would not fundamentally alter the design of the development from that approved;
9. No Environmental Statement was submitted.

Conclusion

Overall, it is considered that the proposed amendment satisfactorily complies with the criteria of South Holland District Council's Development Control Procedure Note Non-Material Amendments to Planning Permission and, as such, are 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.