

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-0468-24 **Applicant:** Mr J Snart

Proposal: Two-storey side extension to dwelling and new vehicular access - Approved under H02-0251-14 - Amendments to remove balcony section & sky light, addition of bi fold doors to front & rear & internal alterations including addition of internal door between main dwelling and annexe

Location: 11 Kemp Street Crowland Peterborough

Terminal Date: 21st June 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving well designed and beautiful places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a non-material amendment application seeking permission to remove balcony section and sky light with the addition of bi-fold doors to front and rear plus internal alterations at 11 Kemp Street, Crowland.

Applications must meet set criteria to be able to be completed under a non-material amendment, these are as follows -

- 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 proposed development is considered to conform with all sections of the above criteria due to the changes that are being carried out. Therefore, the use of a non-material amendment is sound.

Site Description

The site is located within the defined settlement boundaries of Crowland as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). The site context is purely residential. A wide range of housing types, designs, appearances and ages has been observed along the road. The building line opposite the road is irregular whereas the application's site is within a defined short frontage of detached houses. The site is fairly wide long rectangular. The property is a two-storey detached dwelling greatly set back from the road. A paved patio is further the rear elevation and a spacious rear garden laid in artificial grass extends to the rear and side boundaries.

History

H02-1397-01 - Erection of conservatory, car port and convert garage to include bay window - Approved

H02-0369-09 - Ground floor and first floor extensions and alterations - Approved

H02-0251-14 - Two-storey side extension to dwelling and new vehicular access - Approved

H02-0294-19 - Removal of rear conservatory and erection of rear single storey extension - Approved

Consultation Responses

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.

The 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.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and

development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

Changes are proposed across three separate elevations, within this section this shall be broken down to adequately be assessed:

South West Elevation

The garage door on this elevation facing the highway is to be removed and replaced with a set of bi-fold doors providing access directly onto the driveway from the internal room.

South East Elevation

Both the existing window and rooflight on this side shall be removed and are not set to be replaced with any new additions.

North East Elevation

Finally, new bi-fold doors are set to be added to the rear elevation in a similar light to the front elevation providing further access into the rear amenity space of the property. Furthermore, the balcony section approved on the previous plans will be blocked up and now feature matching brickwork and a normal window.

These proposed changes to the elevations are considered to be acceptable and should result in no material harm to the street scene or locality. Further changes are proposed internally to the floor space of the property. On the eastern side of the dwelling this shall be converted from a garage and balcony/en-suite to now operate solely as an annexe, it will feature a kitchen, dining and living area on the ground floor with a bedroom on the first floor with new stairs being added in for access between each floor. The annexe can be accessed through the main dwellings living room and the annexe living room and can also be accessed through the main entrances to and from 11 Kemp Street. Despite being reliant on the property should this be occupied by a family member/relative this would be acceptable, a condition will be included to tie this to the dwelling.

These revisions are considered to be acceptable and can be carried out under a non-material amendment due to them being fairly minimal and present no harm to the character or locality of the

area. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/ Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

No material overshadowing will occur due to there being no significant or substantial external alterations, additionally no material loss of privacy should occur either as the additions of bi-fold doors are both on the ground floor and the removal of side windows further reduces any ability for a view. Finally, the new window to replace the balcony will provide no difference in view than this of the balcony would already. As such no material harm to residential amenity will arise.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Assessment against Non-material Amendment Criteria

The following points are considered to be the most relevant to this specific development and so are assessed in more detail:

7 - The height/volume of the building or extension would not be increased or significantly reduced. Despite the removal of the balcony there are no alterations to the height or volume of the building as they will only fill in the gaps in between the balcony and the roof to allow for it to be habitable and for a window to be placed.

8 - The amendments must not result in a fundamental change in the design of the building. The removal of the balcony is not considered to be a fundamental change to the design of the building and in any case will allow it to look more like other properties in the immediate area.

10 - Amendments to windows/doors/openings must not have any overlooking impact on neighbouring properties. The amendments to the windows and doors are not considered to have any overlooking impact as assessed in the above amenity section.

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

It is considered that these details are acceptable and can be considered as a non-material amendment to the scheme.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.