DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H02-0756-20**	**Applicant:**	**Mr & Mrs G Wycherley**
Proposal:	Proposed garage/store extension - approved under H02-0372-20. Oak cladding to be used in lieu of bricks.		
Location:	70 West Street Crowland		
Terminal Date:	14th October 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework 2019

Sections 12 and 16 of the National Planning Policy Framework (2019) (NPPF)

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This Non-Material Amendment application is for the change of the exterior of the garage store/extension as approved under H02-0372-20 from bare brick face to oak cladding.

Site Description

The proposal site is within the garden of the host property which is a Georgian brick built property along West Street which is a prominent thoroughfare into Crowland and within the Crowland Conservation Area. The property has been extensively altered throughout time and although it does hold some aesthetic qualities that contribute positively to the character of the Conservation Area, it is not listed and nor is it considered to be a Building of Local Heritage (BLH), unlike the properties on either side of the proposal site, which are, indeed considered to be BLH.

Whilst the host property is within the Crowland Conservation Area, the border of the area intersects

the garden of the property, meaning that technically speaking, the precise site of the proposed extension is not within the Conservation Area.

The outbuilding to which it is proposed this will extend is a modern 2 storey structure, granted planning permission in 2012.

The area surrounding the property is entirely characterised by residential properties of a wide mix of styles and periods of construction. The host property is situated accross the road, from and within visualk proximity to the Grade II listed Nos. 33 and 35 West Street.

History

H02-1172-08

Change of use of garden for storage of vintage tractors, associated equipment and manoeuvring space for adjacent haulage yard. APPROVED on 21/01/2009

H02-0746-12

Demolition of barn and erection of two-storey and single-storey building for storage purposes ancillary to dwelling (retrospective). APPROVED on 21/11/2012

H02-0807-13

Barn replacement (re-application following approval to reference H02-0746-12 to regularise the development) (retrospective). APPROVED on 12/11/2013

H02-0372-20

Proposed garage/store extension. APPROVED on 13/07/20

Consultation Responses

None received.

Planning Considerations

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.

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.

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 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.

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.

Assessing the proposal against the above:

1. No alterations are proposed to the site boundary;
2. The proposed alterations would not conflict with the South East Lincolnshire Local Plan, 2019;
3. The revisions would not exacerbate concerns raised by any third party;
4. The amendment would not be contrary to any condition imposed;
5. No building/extension would be moved;
6. The ridge height of any structure would not be increased;
7. No potential overlooking would arise as a result of the amendment that would justify neighbours being re-consulted;
8. The alterations wouldn't fundamentally alter the design of the development;
9. No Environmental Statement was submitted.

Conclusion

For the reasons listed above, this proposal is found to be in accordance with Polices 1,2 3 and 29 of the South East Lincolnshire Local Plan (2019) as well as Sections 12 and 16 of the National Planning Policy Framework (2019). Therefore, 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.