DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0950-23**	**Applicant:**	**Mr B Harrison**
Proposal:	Proposed single storey extension to rear of dwelling - approved under H02-0213-21. Removal of two windows on proposed east elevation.		
Location:	52 Postland Road Crowland Spalding		
Terminal Date:	23rd November 2023		

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 2023

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 to application H02-0213-21 to remove two east elevation windows on a proposed single storey extension to the rear of a dwelling at 52 Postland Road, Crowland.

The amended proposal seeks to provide an extension that projects from the existing kitchen, which becomes a utility room and wc. The extension will contain a kitchen / diner and a living room. The proposal will project 4.3 metres from the kitchen and will measure 12.93 metres in width. The eaves

height will be approx. 2.3 metres with a ridge height of 4.15 metres. There will be no side elevation windows in this single storey extension. The east facing elevation of the extension is to be grey rendered. The narrow east facing windows to be removed served a wc and a utility room.

SITE DESCRIPTION

The proposal site is within the defined settlement limits of Crowland with dwellings of varying ages and design to the north, south, east and west of the site. The site is in Environment Agency Flood Zone 3, and has a "Danger for Most" hazard risk, with a maximum predicted flood depth of 1 metre on the 0.1% 2115 South Holland Strategic Flood Risk Mapping. As the extension connects to the main dwelling then raised finished floor levels are not required.

RELEVANT HISTORY

H02-0213-21

Full - Proposed single storey extension to rear of dwelling - Approved - 26 April 2021.

CONSULTATION RESPONSES

North Level Internal Drainage Board

"Please note that North Level District Internal Drainage Board have no comment to make with regard to the above application."

Crowland Parish Council

"No Objections."

EVALUATION

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.

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 specific criteria being met.

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. The red line application site boundary has not been altered.

2. The amendment does not conflict with any Development Plan Policies or other Government Guidance.

3. The amended fenestration arrangement would not exacerbate concerns raised by third parties.

4. The proposed changes would not be contrary to a condition on the original approval.

5. The approved footprint / siting of the extension will not be moved and there will be no impacts on neighbours.

6. The height of the extension would not be increased.

7. The amendments would not result in any potential overlooking of any neighbouring property.

8. The amendments would not result in a fundamental redesign of the extension.

9. The proposal does not amount to new works or elements not considered by any Environmental Statement submitted with the application.

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.

CONCLUSION

The proposed removal of two windows on the east elevation is considered to accord with the non-material amendment assessment criteria and comprises an acceptable amendment.

RECOMMENDATION

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

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.