DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H03-0232-25**	**Applicant:**	**Mr & Mrs T Barker**
Proposal:	Proposed 2 storey extension & alterations and replacement double garage - Approved under H03-0774-23. Amendments to roof to create habitable space, addition of velux windows to northern roof elevation, & windows to western & eastern gable ends		
Location:	Tara House Main Road Hop Pole		
Terminal Date:	12th May 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

CASE OFFICER ASSESSMENT

Proposal

This is a non-material amendment application, seeking permission to amend the design of the previously approved application under reference H03-0774-23, to create a habitable space, through the addition of velux windows to northern elevations and windows to western and eastern gable ends.

Site Description

The site lies over 2000m outside of the defined settlement boundaries and is therefore classed as being in the countryside as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP).

The property is set back around 25m from the highway and is made from bricks with a tiled roof and

wooden windows and doors painted white. There are large open fields to the rear with an open garden area to the south west. At the front of the curtilage there is currently a milestone which is a registered as Grade II Listed.

History

H03-0774-90 - Erection of 3 bungalows - Approved

H03-0295-93 - Erection of 3 bungalows (renewal of outline) - Refusal

H03-0162-15 - Works to a Sycamore tree - Approved

H03-1186-16 - Works to Deeping St Nicholas TPO - Approved

H03-0774-23 - Proposed 2 storey extension & alterations and replacement double garage - Approved

Consultation Responses

No consultation responses received.

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 proposed development is considered to confirm with all sections of the above criteria. Whilst there are new windows proposed on both side elevations and rooflights are proposed within the roofslope, these would not result in any overlooking impact on neighbouring properties. The side elevation windows will be obscure glazed and the rooflights to the rear of the site would look directly into open undeveloped fields.

Overall, the proposed changes are considered to be non-material.

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

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.