DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0387-24**	**Applicant:**	**Mr A Crane**
Proposal:	Extension & Alterations. Approved under H08-0996-21. Amendment to convert attached garage into 4th bedroom		
Location:	80 Siltside Gosberton Risegate Spalding		
Terminal Date:	11th June 2024		

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 and beautiful places

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

PROPOSAL

This is a non-material amendment application at 80 Siltside, Gosberton Risegate for an extension and alterations approved under H08-0996-21. This applications seeks an amendment to convert an attached garage into 4th bedroom. No other elements of the approved works are to be amended. The proposal seeks to provide extensions to the sides, rear and front of the existing dwelling. The extended dwelling will contain three bedrooms, two large cupboards, an en-suite, kitchen, lounge, bathroom and utility room. The extensions will be constructed from brick to match the existing dwelling, with a black rubber flat roof and matching tiles for the extended gable roof. The rear elevation wall serving the two bedrooms will be white render. An oil tank to the western elevation of the property will be moved further forward to help facilitate this proposal.

The garage approved under H08-0996-21 will be amended to become a fourth bedroom. The garage door to the front elevation will be replaced by a window. The dimensions of the fourth bedroom and the side elevation window will not be altered.

SITE DESCRIPTION

The site is within defined settlement limits and the surrounding area is characterised by linear development of dwellings of varying ages and designs. The site is in Environment Agency Flood Zone 2, and is not subject to increase flood depth or flood hazard on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H08-0996-21

Full - Extension & Alterations - Approved - 22 November 2021.

CONSULTATION RESPONSES

None

KEY PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):

Accordance with Non-Material Amendment assessment criteria.

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 bedroom will not be moved and there will be no impacts on neighbours.

6. The height of the bedroom element 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 bedroom 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.