DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-0396-20**	**Applicant:**	**Mr N Abrams**
Proposal:	Rear single storey extension - approved under H09-0367-19. Amendments to show addition of window to side elevation.		
Location:	97 Spalding Road Holbeach Spalding		
Terminal Date:	17th June 2020		

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 2019

Section 12. Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This is a non-material amendment for addition of window to side elevation of approved rear extension (H09-0367-19) to the dwelling at 97 Spalding Road, Holbeach, Spalding.

Site Description

The site is part of a short row of semi-detached dwellings fairly set back from the edge of the highway. The site context is predominantly residential and is within the settlement boundary of Holbeach as per Inset Map 5 of the South East Lincolnshire Local Plan, 2019. The location is near the roundabout junction between the A151 and Spalding Road.

The property is a two-storey semi-detached house within a long narrow site. The rear garden angles to the south-west a few metres south of the rear elevation of the building. There is currently a log cabin and a timber garden shed beyond the rear elevation and one further garden shed to the side of the house, all of them adjacent to the western boundary. These outbuildings would be removed or relocated at the rear of the garden in order to free space for the construction of the intended

extension.

History

H09-0367-19 - Rear single-storey extension - Approved

Consultation Responses

None

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.

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 amendment 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.

Design and layout

The proposed amendment consists of additional window on the western side elevation. The new opening will provide further sunlight to the kitchen. The layout will be identical to the approved rear window albeit smaller in dimensions. For these reasons, it is considered that such alteration will not undermine the overall design and layout of the approved rear extension and consequently the host property. The proposal will comply overall with Policies 2 and 3 of South East Lincolnshire Local Plan (SELLP), 2019.

Residential amenity

The window will be facing the adjacent property No. 99 to the west. However, the existing boundary treatment will obscure views from the rear extension to this neighbouring dwelling. Therefore, no overlooking effect is anticipated and the proposal ensures good amenity standards in accordance with Polices 2 and 3 of SELLP, 2019.

Conclusion

Taking into account the considerations above, the amendment is considered to comply with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019; and also Section 12 of the National Planning Policy Framework (NPFF), 2019.

Moreover, the proposed amendment fully meets the criteria set out in South Holland District Council's "Development Control Procedure Note: Non-Material Amendments to Planning Permissions".

It is accordingly recommended to approve this planning application via delegated powers.

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.