DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0513-24**	**Applicant:**	**Miss R Lee**
Proposal:	Demolition of existing dining room, conservatory and garage and rebuild - Approved under H09-0306-21 - Amendment to external finish		
Location:	82 Battlefields Lane South Holbeach Spalding		
Terminal Date:	11th July 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This is a non material amendment application, seeking amendments to the external finish approved under H09-0306-21. It is proposed that the brickwork to be used for the rear extension, approved under H09-0306-21, would be replaced with rendered blockwork. Cream render would be used.

Site Description

The property is a two storey semi-detached dwelling located on Battlefields Lane South within the Holbeach settlement boundary. The dwelling is red brick built with white door/window frames. The front garden is gravelled and has parking provisions for 4no cars. The immediate area comprises primarily two storey semi-detached red brick built dwellings. The site backs onto an open field.

Planning History

H09-0306-21 - Full. Demolition of existing dining room, conservatory and garage and rebuild. Approved 20/12/21.

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 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, the following is considered:

1.There would be no change to red line boundary or application site
2.The amendment would not conflict with any government guidance or any provisions within the Local Plan
3.Condition 3 of the H09-0306-21 states that "all new and replacement brickwork utilised in carrying out the development hereby permitted shall match as closely as possible that of the principal existing building on the site in terms of the type of brick(s), mortar mix and method of bonding." The removal of this brickwork does not strictly conflict with this condition.
4.The proposal would not exacerbate any concerns raised during the consultation process of the original application. The comments of the two consultation responses (by the Parish Council and Internal Drainage Board) did not relate to the choice of materials.
5.There would be no change in the footprint of the building
6.The proposal would not result in a further extension
7.There would be no change to the dimensions of the extension
8.The addition of render would not fundamentally alter the design of the extension. The extension would be largely obscured from the public realm, ensuring there is a minimal character impact regardless of the materials used. Render is already present within the wider area, and as such would not appear anomalous. Under permitted development rights, the host dwelling could be rendered regardless; the alterations must be considered in this context.
9.The original application did not contain an environmental statement
10.No additional openings would be created
11.There would no change to the number of units proposed.

As such, when taking account of the above and the modest extent of the amendment proposed, the proposal is considered to be non-material.

Conclusion

It is considered that the amendment proposed is acceptable and can be considered a non-material amendment. The recommendation is for delegated 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.