DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-0870-20**	**Applicant:**	**Mr A Melisi**
Proposal:	Proposed two storey side extension and front extension (including porch) - approved under H09-0506-20. Amendments to measurement of width of extension		
Location:	19 Wignals Gate Holbeach Spalding		
Terminal Date:	21st April 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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 application that seeks permission to amend the width of the extension, previously granted planning permission.

A two storey side extension and front extension (including porch) to the dwellinghouse at 19 Wignals Gate, Holbeach was granted under permission ref. H09-0870-20.

Site Description

The site lies on the western suburbs of Holbeach. It is within the built-up area of the town. The area is purely residential.

This part of Wignals Gate is heavily characterised by semi-detached pairs of two-storey houses, formerly council housing back to 1930s. The uniformity of the form of development is in contrast with a variety of external elements. Some of them remain in brickwork whereas other have been rendered or painted. Subsequent extensions and alteration have been carried out in most of them

so far as observed throughout the site visit.

The site benefits from spacious drive area to the front and southern side of the plot. There is a fence between the southern elevation of the house and the adjacent boundary.

History

H09-0506-20 - Proposed two storey side extension and front extension (including porch) - Approved

H09-0580-14 - (Prior Approval) - Proposed conservatory to rear of dwelling - 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.

The aim of this application is to clarify that the width of the approved side extension. The applicant confirms that such measurement is 4.10 metres instead of 3.70 metres as stated in the delegated assessment for the host application.

The difference is negligible, and it is not anticipated any harm upon the subservience of the extension to the host property, the built form within the application site nor the amenity to the occupiers of the adjoining property.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

No adverse impacts of granting permission to the proposed amendment would significantly and demonstrably outweigh the benefits of doing so.

Conclusion

On balance, the proposed amendment is acceptable in view of South Holland District Council's "Development Control Procedure Note: Non-Material Amendments to Planning Permissions" when taken as a whole.

It is accordingly recommended to approve this non-material amendment 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.