DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0238-24**	**Applicant:**	**Mr & Mrs Kiock**
Proposal:	Proposed Extension & Alterations - approved under H13-0530-22. Amendments to design to front elevation		
Location:	62 Hatt Close Moulton Spalding		
Terminal Date:	15th April 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving well-designed and beautiful places

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This is a non-material amendment application to modify the scheme previously approved under H13-0530-22. The amendment proposes the conversion of an existing garage to a study, including the creation of a window in place of the existing garage door. It is of note that the area to be altered was not part of the extension approved under H13-0530-22.

It is also of note that the proposed garage conversion would typically not require the submission of a formal planning application.

Site Description

The site is located on Hatt Close, within the Moulton settlement boundary. It comprises a two-storey detached dwelling. The dwelling is yellow brick constructed, sitting under a concrete roof tile. There is an integrated single garage to the side and a paved driveway to the front. The rear garden is enclosed by a high-level boundary fence. The immediate area comprises detached dwellings of varying designs.

Planning History

H13-0470-16 - Full. Proposed alteration and extension. Approved 13/06/16.

H13-0530-22 - Full. Proposed Extensions & Alterations. Approved 11/07/22.

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 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.The proposal would not impact the site boundary
2.The amendment would not conflict with any development plan policy or Government guidance.
3.The proposed amendment would not conflict with any conditions of the original permission.
4.The proposal would not exacerbate any concerns raised by third parties during the original permission. The only consultation response received was from the Internal Drainage Board who did not object to the proposal.
5.The amendment would not impact upon the siting of the building.
6.The garage conversion proposed here would not extend the building, but alter the internal layout and use.
7.The proposal would not impact the height/ volume of the building.
8.The proposed alteration would not fundamentally change the design of the building. The change from a garage door to a window is not considered to be a fundamental design alteration.
9.No environmental statement was submitted with the original application.
10.The proposed new window would look onto the street, and as such, does not represent an overlooking concern.
11.The proposed amendment would not increase the number of units.

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.