DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H13-0472-20**	**Applicant:**	**Mr & Mrs Gregg**
Proposal:	Single storey rear extension, garage conversion and pitched roof - approved under H13-0258-20. Amendments to show brick in lieu of cladding on extension		
Location:	17 Hatt Close Moulton Spalding		
Terminal Date:	7th August 2020		

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 for amendments to show brick in lieu of cladding on extension to the residential property at 17 Hatt Close, Moulton, Spalding.

Householder planning permission was granted under application ref. H13-0472-20 for single storey rear extension, garage conversion and pitched roof.

Site Description

The area is purely residential. Hatt Close is a curvilinear loop street which forms part of a broader suburban pattern. The most common housing type is a detached two-storey dwellinghouse with attached garage. A certain variety of design and appearances has been observed along the street scene.

To the north, there is a similar residential building (No. 19). To the south, a larger house within a corner plot (No. 15). To the east, the rear garden of No. 13.

2 metre high timber fencing delimits the site with adjacent curtilages although some panels have been removed especially on the rear boundary.

History

H13-0258-20 - Single storey rear extension, garage conversion and pitched roof - Approved

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.

Condition 3 of previous application H13-0472-20 requested the submission and subsequent approval of proposed external materials. The facing brickwork was matching the existing and no details were submitted relating to the cladding.

This current application seeks to incorporate facing brickwork along the northern side elevation of the approved extension instead of cladding. The brick will match the existing in the property as the remainder across the extension, thereby no detrimental effect will occur upon the visual amenity.

The proposed cladding will be golden cedar. The facing brickwork of the property is mid-dark brown. Whereas the brick walls of No. 19 (north) have a slightly lighter colour, the brickwork of the other adjacent property No. 15 (south) is slightly darker. The timber appearance of the cladding will be sympathetic with the host property and the built environment in the surroundings.

On balance, it is considered that the proposed amendment will not undermine the design standards neither the appearance of the approved development in relation to the host property and visual amenity of the surroundings.

Conclusion

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