

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H13-0728-26	Applicant:	Mr H Myers
Proposal:	Proposed extension, garage conversion to provide living accommodation, demolition of existing outbuilding, erection of new outbuilding, removal of one site access & new boundary treatments including fencing - Approved under H13-0334-25. Modification of Condition 2 to allow amendments to previously approved plans		
Location:	Glebe House Church Street Moulton		
Terminal Date:	16th October 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
29	The Historic Environment
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework August 2026

Section 4 - Achieving sustainable development
Section 14 - Achieving well-designed places
Section 15 - Promoting sustainable transport
Section 17 - Pollution, public protection and security
Section 20 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

OTHER STATUTORY BODIES	0	0	0	1
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CASE OFFICER ASSESSMENT

Description of Proposal

This application is made under Section 73 of the Town and Country Planning Act, 1990, seeking to amend Condition 2 of H13-0334-25, relating to approved plans. The changes can be summarised as:

- Alteration of rear extension from 1 storey to 1 and ½ storey, representing a ridge height increase of approximately 1.7m
- The demolition and reconstruction of the front façade of the garage block
- Minor alterations to the windows of the south and west elevations
- Addition of photovoltaic panels (PV) to the south and west roof slopes and flat roof
- Addition of roof lantern on flat roof
- Removal of flat roof terrace

Site Description

The site is within the settlement boundaries of Moulton, as outlined within the South East Lincolnshire Local Plan, 2019. The site is located fairly centrally within the village, approximately 75m south of Moulton Park. To the immediate west is Moulton River. The site is within the Conservation Area, with a Grade II listed building to the immediate north and east.

The existing house is a large, brick built building in the centre of a substantial plot. The area is well vegetated, with mature hedging and trees along the boundaries. While only constructed towards the end of the last century, the dwelling is in a fairly traditional style, which clearly plays homage to the historic character of the area.

Relevant History

H13-0291-89 - Full. Erection of single dwelling with detached garage block. Approved 23/10/89.

H13-0847-90 - Full. Erection of 4 no entrance piers. Approved 30/08/90.

H13-0263-91 - Full. Erection of garden store. Approved 12/06/91.

H13-0334-25 - Full. Proposed extension, garage conversion to provide living accommodation, demolition of existing outbuilding, erection of new outbuilding, removal of one site access & new boundary treatments including fencing. Approved 23/07/25.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

South Holland Internal Drainage Board

Outline that land drainage consent would be required.

Highway and Lead Local Flood Authority

The proposal is for minor amendments to Proposed extension, garage conversion to provide living accommodation, demolition of existing outbuilding, erection of new outbuilding, removal of one site access & new boundary treatments including fencing - Approved under H13-0334-25. Modification of Condition 2 to allow amendments to previously approved plans. The minor amendments

proposed will not have an adverse impact upon the public highway or surface water flood risk.

Conservation Officer

Initial comments, dated 27/08/26

The application will require an updated Heritage Statement, including a revised Heritage Impact Assessment. The assessment submitted under the previous application predates the revised NPPF, and the current proposal has been expanded in scale (HE5.1, NPPF, 2026). As such, the impact on the nearby listed building and the Conservation Area should be reassessed to ensure that the significance of the asset and the effect of the amended scheme on its setting have been properly considered. Do not support the proposed refacing of the garage block. The structure is clearly ancillary in nature and should continue to read as a garage building. The proposed alterations risk blurring this and is not reflective of its function. I also have concerns regarding the increase in height of the rear extension. Whilst the host building is modern and not itself a heritage asset, it has been designed in a way that sits comfortably within its setting and the character of the Conservation Area. Increasing the height of the extension, combined with the additional alterations proposed, risks making it more visible from the conservation area and the nearby listed building. This has the potential to draw greater attention to the extension and alter the way the building relates to its surroundings. This is amplified by the proposed use of render which would make the enlarged extension more visually prominent

Revised comments, following amendments, dated 01/10/26

The amended elevation plans do not address our concerns regarding the refacing of the garage building. Additionally, why has the decision been made to have two single panel windows on the first floor of the garage? I fear this will look odd when looked at with the 1:1 sash windows. I understand that the windows have been approved under H13-0334-25 and that condition 3 requests details of these windows. We would expect to see elevation and cross section details including measurements of the meeting bar and frame

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Evaluation - S73

The proposal seeks to vary Condition 2 of H13-0334-25, through seeking permission under Section 73 of the Act. The purpose of an application made under Section 73 of the Town and Country Planning Act 1990 is to vary or remove conditions associated with an existing planning permission. These applications are used to allow for amendments to an approved scheme and can be made both retrospectively and prior to a permission being implemented, as long as the permission is extant.

The Act is very clear that: "On such an application the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted." As such, the Local Planning Authority are not able to revisit the principle of development and only matters relevant to the specific conditions can be considered. The effect of granting permission would be to issue a new permission with Condition 2 amended, together with any other relevant conditions from the original permission, or subsequent relevant revisions since this permission.

Planning practice guidance highlights that where less substantial changes are proposed, amending a proposal can occur through 'Amending the conditions attached to the planning permission, including seeking to make minor material amendments'.

The PPG clarifies that "Permission granted under Section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted". There is no statutory definition of a 'minor material amendment'; but this is

likely to include any amendments where its scale and/or nature results "in a development which is not substantially different from the one which has been approved".

In this instance, the subsequent amendments, submitted under this Section 73 application, have not varied the description of development.

In the case of R (Vue Entertainment Limited) v City of York Council, it was concluded that the decision gives clear support for use of S73 in respect of changes to condition which go beyond 'minor' amendments. It places a clear emphasis on preserving the precise terms of the grant. If an amendment to a condition can be made which keeps the description of the development intact it may well be appropriate to make such an application under a s.73, even if the effect of the change will be significant".

Paragraph 13 of the relevant section of the PPG states "In contrast to section 96A, an application made under section 73 of the Town and Country Planning Act 1990 can be used to make a material amendment by varying or removing conditions associated with a planning permission. There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission."

Evaluation - Key Considerations

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, 2026 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

The principle of development has been established under H13-0334-25, and as such, does not need to be revisited here.

Layout, Design, Scale and Consideration of the Character of the Area and Historic Environment

Character Considerations

Section 14 of the NPPF, "Achieving well-designed places", outlines that planning decisions and policies should "promote high quality, healthy, inclusive and sustainable places".

Paragraph 1 of DP3 outlines that "development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets".

In order to create well-designed places, Paragraph 2 outlines that proposals should reflect seven key principles, as appropriate to the nature of the development and its location. These are: liveability, climate, nature, movement, built form, public space, and identity.

Paragraph 3 of DP3 is explicit that proposals which conflict with paragraph 1, the relevant aspects of paragraph 2 of DP3, or relevant development plan policies and guidance, should be refused. Conversely, substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically

designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the NPPF and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

Historic Environment Considerations

Policy 29 of the SELLP, alongside Section 16 of the NPPF, relates to the preservation of the historic environment. Both outline that all applications within the Conservation Area should preserve or enhance the setting.

In respect of any buildings or other land in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area, through Section 72 the Planning (Listed Buildings and Conservation Areas) Act 1990.

In assessing proposals of this nature, the Local Planning Authority must also ensure special regard to preserving the Listed Buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). No harm should be caused with the historical assets and their surroundings requiring to be preserved or enhanced.

The NPPF expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Policy HE6 of Section 20 of the NPPF states that "When considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential effect amounts to a positive effect, harm, substantial harm, or total loss of its significance".

Policy HE9(1) of the NPPF states: "Development proposals within or affecting the significance of conservation areas should:

- a. Retain and conserve buildings and other features which make a positive contribution to the character or appearance of the conservation area where possible; and
- b. Consider the area's special architectural or historic interest (as identified as part of the designation of the conservation area) in the design of development"

Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the NPPF. Development proposals will be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets. Policy 29 is broken into five interrelated sections, with parts A, and B relevant here.

Policy 29A, relating to listed buildings, states: "Proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building."

Policy 29B, relating to conservation areas, states: "Proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. Proposals should:

1. Retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces;
2. Retain architectural details that contribute to the character and appearance of the area;
3. Where relevant and practical, remove features which are incompatible with the Conservation Area;
4. Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment;
5. Assess, and mitigate against, any negative impact the proposal might have on the townscape,

roofscape, skyline and landscape;"

To this end, all proposals in the Conservation Area or which affect listed buildings should preserve or enhance their settings.

Assessment

The comments made by the Conservation Officer relating to the HIA have been addressed in full via an amended scheme.

The alterations to the windows would face away from the public realm. The changes are minor, and would not significantly alter the character or appearance of the dwelling or extension, taken in isolation.

The change from a roof terrace to a purely flat roof element would be primarily functional, rather than visual. The removal of the hand rail and the alteration to the windows here would have only the most minor effect on the visuals of the property.

The additional photovoltaic panels are angled away from the public realm and the nearby listed buildings. These features are modern, but are not inherently alien to the Conservation Area. Their impacts would be limited.

The proposed roof lantern is an unusual feature. The feature is off-centre in the flat roof, and does not fully reflect the proportions of the roof it sits in. The inclusion of tiled covering increases the visual mass of the feature and creates a greater degree of friction with the flat roof it sits within. It does not integrate itself well into the dwelling or the wider extensions. That being said, the works would be almost entirely hidden from the public realm. Moreover, views from the plot itself would be limited, due to the height of the flat roof element in which it would sit. Therefore, the tangible impacts are reduced.

The proposed reconstruction of the garage's east elevation is unusual. It has been stated brickwork to match the existing will be used. Finding an exact brick match, including in terms of weathering, is likely to prove difficult, meaning that there would be a degree of contrast between this elevation and the wider dwelling/ garage. That being said, this difference would likely not be so significant as to be harmful taken in isolation of wider elements. The comments of the Conservation Officer are noted; however, their concerns appear to stem primarily from the incorporation of the garage block into the wider dwelling. Given that this has already been approved, and that their comments do not relate to brickwork per se, it is considered that this would not be a valid ground to resist the application.

The increase in height of the rear element would increase the perceived mass and bulk of the property. That being said, the alteration would still be largely obscured from the public realm via the existing property. The roof pitch mirrors the host, increasing the integration of this element. On balance, whilst the alteration is not necessarily beneficial to the appearance of the extension, is not overtly negative either.

Taken as a whole, the proposed alterations would not enhance the scheme approved under H13-0334-25. If anything, the alterations would reduce the integration of the scheme and result in a less coherent design. Nevertheless, whilst the changes proposed are not of high quality, they would not result in a development which is harmful to the character or appearance of the area, including the setting of the Conservation Area. Most alterations are obscured from the public realm and therefore there would not be such a noticeable impact as to harm the Conservation Area. A neutral impact, in line with Section 20 of the NPPF, is identified here.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2, 3 and 29 of the SELLP and Sections 14 and 20 of the NPPF.

Impacts Upon Resident Amenity

DP3 of the NPPF outlines that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a focus on promoting liveability.

Likewise, Policy P3(1) outlines that development proposals should be appropriate for their location,

taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site. This point is expanded upon in P3(2) which states all development proposals should "provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of life".

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed alterations would not result in additional overlooking or overshadowing

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 15 of the NPPF is titled 'Promoting sustainable transport'. Within this, Policy TR6(4) advises that "development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion."

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

There would be no impact upon the highway network as a result of the changes.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Impacts of Climate Change

In respect of the climate emergency, Section 5 of the NPPF outlines that that "development proposals should take into account the current and potential impacts of climate change over the lifetime of the scheme". Broadly, the Section offers substantial weight in favour of proposals which improve energy efficiency of existing buildings, including proposals for solar panels and heat pumps, and where proposals improve the resilience of an existing building.

The additional solar panels would broadly be in accordance with Section 5 of the NPPF and would help in the transition towards renewable energy sources. Weight should be given in favour of the proposal on this basis.

Outstanding matters from representation

Whilst the comments of the IDB are noted, Land Drainage Consent forms a separate regime to the Planning regime. On that basis, there is no statutory reason why planning permission should not be granted, due to outstanding requirements from other regimes.

Conditions

It is considered that all relevant conditions should be reapplied, albeit in updated forms to reflect the amended plans.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole.

Whilst the design is not necessarily of the highest quality, it is not considered that the harms from the proposal, which would be extremely minimal, would outweigh the benefits. Therefore, as per Policy S4 of the NPPF, the proposal should be approved.

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.

Conclusion

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3,

29, 33 and 36 of the SELLP, as well as Sections 4, 5, 12, 15 and 20 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.