DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0751-24**	**Applicant:**	**Mrs R Kearley**
Proposal:	Proposed garage with accommodation, ground & first floor side extension & internal alterations - Approved under H13-0612-23. Amendment to replace kitchen window with bi-folding doorway		
Location:	Snake Hall Cottage 105 Eaugate Road Moulton Eaugate		
Terminal Date:	17th October 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, under Section 96A, seeking to alter the scheme approved under H13-0612-23.

It is proposed that a kitchen window would be replaced by a bi-fold door.

Site Description

The site is outside of the settlement boundaries outlined within the South East Lincolnshire Local Plan, 2019 (SELLP), lying 750m south-east of Moulton Chapel. The front of the site is heavily vegetated, in keeping with the majority of Eugate Road. The dwelling lies approximately 100m north of the Grade II listed Snake Hall, but heavy screening is present between the two.

The wider area is characterised by agricultural land, with the property being completely surrounded by fields. Development along Eugate Road is sparse, with a preference shown for smaller, isolated dwellings.

Planning History

H13-0631-24 - Condition compliance. Details of archaeological investigation (Condition 4 of H13-0612-23). Approved 09/08/24.

H13-0612-23 - Full. Proposed garage with accommodation, ground & first floor side extension & internal alterations. Approved 25/09/23.

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. The amendment would not conflict with any of the conditions placed upon H13-0612-23.

4. The proposal would not exacerbate any concerns raised during the consultation process of the original application. No consultation responses were received within the initial application regarding this aspect of the development.

5. There would be no change to the siting or footprint of any buildings

6. The proposal would not result in an extension to the approved development

7. The proposed addition of bi-fold doors would not impact upon the height or volume of the works.

8.The amendments would not result in a fundamental change in the design of the building or the wider site. The addition of the doors is a minor alteration which would maintain the overall appearance of the development. Furthermore, the proposed alteration would be located on the rear elevation, preventing a significant impact upon the street scene.

9.The original application did not contain an environmental statement.

10. The site is relatively isolated and as such, there is limited scope for views into neighbouring properties. In any event, the bi-fold doors are at ground level and would offer no new vantage points over those created by the approved window.

11.There would be no change to the number of proposed 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.

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

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