

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H13-0778-26	Applicant:	Woodola Group Ltd
Proposal:	Proposed erection of two 1.5 storey detached dwellings with attached garages, vehicular access and landscaping - Approved under H13-0981-24. Amendments to Plot 1 to remove bedroom 2 window on the rear gable, reduced ridge height of the roof above the living room & installation of 2 velux windows to the south elevation serving bed 2		
Location:	Rear Of 24 Broad Lane Moulton Spalding		
Terminal Date:	29th September 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework August 2026

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

This is an application made under S96A of the Town & Country Planning Act 1990 (as amended), seeking to amend planning approval H13-0981-24. The proposal seeks to amend the design of Plot 1 to remove a first floor window in the rear gable, the installation of 2 velux windows, and to lower the ridge height of the lower gable section by approximately 300mm.

Site Description

The site is within the settlement of Moulton, defined in the South East Lincolnshire Local Plan, 2019. The location is fairly central, being located approximately 100 metres east of The John Harrox Primary School. The site is located to the rear of a white rendered, large two-storey home.

The area is characterised by a mixture of residential developments, although there is a preference towards two-storey, red-brick houses along the frontage. Back-land developments, such as that proposed here, are common in the area, with these dwellings typically taking the form of red-brick bungalows. The site is approximately 0.16 hectares. Large boundary treatments are currently in situ, taking the form of well established trees and hedges (over 2 metres in height) to the east and north, an approximately 2 metre high brick wall to the south, and a 1.8 metre high close boarded fence to the west. The site is in flood zone 1 on the Environment Agency's Flood Maps for planning.

Relevant History

H13-0882-16 - Outline. Residential development - 2 buildings plots. Approved 31-10-16.

H13-0406-23 - Outline. Erection of one dwelling. Approved 14-06-23.

H13-0446-24 - Full. Proposed two storey rear extension, including demolition of existing single storey rear projection. Approved 22-07-24.

H13-0981-24 - Full. Proposed erection of two 1.5 storey detached dwellings with attached garages, vehicular access and landscaping. Approved 27-01-25

H13-0728-25 - Condition Discharge. Details of schedule of external materials, means of surface water disposal, Construction Management Plan & Method Statement and boundary treatments (Conditions 3, 4, 5 & 6 of H13-0981-24). Approved 16-09-25

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.

Notwithstanding the fact that there is no definition of 'Non-Material' South Holland District Council Local Planning Authority sets out guidance criteria for non-materials amendments. This is set out on the council webpages. It states that a change may be considered non-material if:

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 H13-0981-24. Condition 12 of H13-0981-24 did make reference to the window which is proposed to be removed being obscure glazed; however, the wholesale removal of this window would still achieve the aims of this condition and would not fundamentally conflict.
4. The proposal would not exacerbate any concerns raised during the consultation process of the original application. The proposal would reduce the potential for overlooking, thereby improving concerns raised.
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 reduction in ridge height effects a limited portion of a single plot within the development. It can be seen as an improvement, to a certain extent, and is not a significant alteration.
8. The amendments would not result in a fundamental change in the design of the building or the wider site. The changes are minor, and would result in Plot 1 more closely mirroring Plot 2.
9. The original application did not contain an environmental statement.
10. The velux windows would be positioned as to restrict views obtainable. They would face into the site, meaning that the only views they could offer would be towards Plot 2. Said views would be at an acceptable distance and would be largely obscured due to the height of the installation.
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.

Recommendation

The recommendation is for delegated approval