DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H15-0531-20**	**Applicant:**	**Mr C Ray**
Proposal:	Replacement Dwelling - approved under H15-0120-18. Amendments to include 3 roof lights in attic room.		
Location:	Little Owl Farm Sarahgate Lane Quadring		
Terminal Date:	5th August 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 & 14 of the National Planning Policy Framework (2019)

5 - Delivering a sufficient supply of homes
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This is a non-material amendment application to a replacement dwelling approved under H15-0120-18 at Little Owl Farm, Sarahgate Lane, Quadring. This amendment is to include 3 rooflights in the attic room. The base of the rooflight commences at 1.2 metres in height and will directly face arable fields.

Site Description

The proposal is outside of defined settlement limits, with Little Owl Farm sited to the west. The surrounding area is predominately rural, characterised by buildings of varying ages and design.

History

H15-0966-11

Full - Proposed replacement dwelling - Approved - 21 May 2012.

H15-0120-18

Full - Replacement dwelling - Approved - 04 May 2018.

H15-0821-18

Section 73 Replacement dwelling - approved under H15-0120-18. Modification of Condition 2 to allow amendments to previously approved plans - Approved - 26 September 2018.

Consultation Responses

No consultations made.

Planning Considerations

Principle of development

The proposal seeks to make a non-material amendment. To determine whether or not the roof lights constitute a non-material amendment, they must accord with the following criteria:

- There would be no alteration to the application site boundary (red edge).

- The amendment would not conflict with Development Plan Policies or other Government Guidance.

- The proposal would not exacerbate concerns raised by third parties at original planning application stage.

- The proposed change would not be contrary to a condition on the original approval.

- The approved footprint/siting of the building will not be moved materially and will not have a material impact on a neighbour.

- The height of the building or extension would not be increased.

- The amendment would not result in any potential overlooking of any neighbouring property.

- The amendments must not result in a fundamental change in the design of the building.

- The proposal does not amount to new works or elements not considered by any Environmental Statement submitted with the application.

The proposed contradicts one of the above criteria.

Impact of development

The proposal conflicts with the original planning consent as a restrictive condition was included.

Conclusion

The proposed amendment conflicts with the original planning consent as a restrictive condition was included.

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.