DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0433-20**	**Applicant:**	**Mr N Marshall**
Proposal:	Residential development of self build, zero carbon family home with annexe - approved under H16-0851-19. Amendments to chimney breast, oak doors and windows to grey aluminium and remove timber louvre doors to pods replacing with obscured glazed aluminium screens		
Location:	Land Between 19 Weston Hills Road And The Gables Weston Hills Road		
Terminal Date:	2nd July 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

Amendments are sought to the previously approved plans (H16-0851-19), including amendments to the chimney breast, substitution of oak doors and windows with grey aluminium and the replacement of timber louvre doors to pods with obscured glazed aluminium screens.

Site Description

The site is a largely triangular parcel of land, the bulk of which is located to the rear of 19 Weston Hills Road and a property know as 'The Gables'. There are glasshouses to the west and north/north-east. The boundaries are fairly open at present with the exception of the adjoining frontage properties which are separated by hedging and fencing respectively. The site currently shares a gravel access with no. 19.

Development has commenced.

History

H16-0851-19 - Residential development of a self build, zero carbon family home with annexe - resubmission of H16-1258-18 (approved October 2019)

H16-1258-18 - Proposed residential development of a self build, zero carbon dwelling with a self contained annexe and solar array (approved March 2019)

Consultation Responses

Not applicable.

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.

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 application against the above criteria:

1. No alterations are proposed to the site boundary;
2. The proposal would not conflict with policies in the South East Lincolnshire Local Plan, 2019;
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 positioning of the buildings would not be materially altered;
6. There would be no height increase;
7. No potential overlooking issues would arise. The timber window louvres on the eastern facing elevation would be replaced with obscure glazed aluminium screens;
8. All chimney breasts would remain but the detailing at the top would be altered. The oak coloured windows and doors would be replaced with grey aluminium which is a contemporary, attractive, alternative. No alterations would be made to the vertical timber boarding on the western and southern elevations. The timber window louvres on the eastern facing elevation would be replaced with obscure glazed aluminium screens which would be in keeping with the large glazed areas of the northern and southern elevations. The overall design concept remains the same and, as such, it is not considered that the proposed changes would fundamentally alter the design of the dwelling.
9. No Environmental Statement was submitted.

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

Overall, it is considered that the proposed amendments satisfactorily comply with the criteria of South Holland District Council's Development Control Procedure Note Non-Material Amendments to Planning Permission and, as such, are acceptable as a Non-Material Amendment.