

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0441-25 **Applicant:** Mr Goddard

Proposal: Replace existing garage and porch flat felt roof with tiled monopitch roof - Approved under H16-0973-24. Amendment to roof over porch to remain as a flat roof

Location: 11 St Andrews Road Spalding

Terminal Date: 6th June 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 12 - Achieving well-designed places

National Guidance

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

The application seeks consent for a non-material amendment (NMA) to permission H16-0973-24. Permission H16-0973-24 granted consent to replace an existing garage and porch roof with a tiled monopitch roof. Consent is sought to amend the approved plans set out within condition 2 to allow for the proposed change in roof forms.

Site Description

The application site comprises land at 11 St Andrews Road, Spalding. The site features a detached two storey dwelling with a gable end roof form. There is an existing single storey extension which is located on the side of the dwelling which extends to the front of the dwelling. The site is within the settlement boundary of Spalding.

Relevant Planning History

H16-0685-13: (Full Application) Proposed first floor extension - approved 21 October 2013

H16-0973-24: (Full Application) Replace existing garage and porch flat felt roof with tiled monopitch roof - approved 03 January 2025

Consultation Responses

The local planning authority (LPA) has discretion regarding who to consult for NMA applications. Due to the nature of the proposed amendment, it was not considered necessary to consult neighbours or any specific statutory consultees.

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the LPA 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, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The Determination of NMA Applications

The LPA 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 LPA is satisfied that the change is not material. There is no statutory definition of "non-material" as this varies depending on the site context. As such, an amendment that is considered to be non-material in one context, may be material in another.

South Holland District Council (SHDC) 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.

SHDC'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; and

11 - There would be no change to the description of development in respect of number of proposed units.

The principle of development has already been accepted through the approval of permission H16-0973-24. The application only seeks to amend permission H16-0973-24 by substituting amended plans by altering the proposed roof form of the porch. Therefore, whether the proposed amendment is acceptable is dependent on whether the proposed building alterations would have an acceptable visual impact.

Design and Visual Impact

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area and should be visually attractive as a result of good architecture and appropriate landscaping. Paragraph 135 also states that development should provide a high standard of amenity for existing and future users.

Policy 2 of the Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 accords with the provisions of Section 12 of the NPPF, in that it 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.

The approved plans show a monopitch roof form which covers the side extension and the front porch. The application seeks to change the approved plans by only including a monopitch roof form on the side extension, and the front porch is proposed to retain its existing flat roof. This is because since permission H16-0973-24 was approved, the applicant has found out that the proposed hipped roof form over the porch is not feasible or practical due to structural issues associated with the porch.

Many of the dwellings along St Andrews Road feature similar front porches and side extensions. Many of the porches and extensions feature flat roofs, and some feature hipped roof forms. There is therefore no strict uniformity along the street scene.

The proposed amendment to retain the existing flat roof over the porch is considered to be acceptable and non-material. The proposed development would not cause an adverse impact to the character or appearance of the area. Therefore, the proposed amendment accords with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

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

The proposed amendment is acceptable as a Non-Material Amendment to permission H16-0973-24.

Recommendation

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