DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0871-23**	**Applicant:**	**Mrs S Payne**
Proposal:	Removal of existing garage and replacement annexe - approved under H16-0964-22. Amendment to brick type		
Location:	17 Mallard Road Spalding		
Terminal Date:	2nd November 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving Well Designed Places

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This application is a non-material amendment application to modify plans previously approved under H16-0964-22. An amended brick type is proposed, with Wienerberger Oast Russet Sovereign Stock brick being proposed.

Site Description

The site is situated within the countryside, according to Policy 1 in the South East Lincolnshire Local Plan, 2019. The property is situated to the east of the Low Fulney Estate, along Mallard Road, which is characterised by low density / sporadic frontage development of a variety of ages and design. The property in question sits on a modest sized plot, with a rear garden overlooking an agricultural nursery. The semi-detached dwelling is set back from the road and has a long, gravelled driveway.

Planning History

H16-1255-04 - Full. First floor extension to side of property. Approved 01/11/04.

H16-0964-22 - Full. Removal of existing garage and replacement annexe. Approved 25/11/22.

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 amendments 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, the following is considered:

1.There would be no alteration to the site boundary.
2.The amendment would not conflict with any SELLP policies or national guidance notes.
3.The proposal would not exacerbate any concerns raised in any previous applications.
4.The change would not contradict or be contrary to any previous condition.
5.The siting of the building would not be altered, the change is purely aesthetic.
6.The height of the building would not be altered.
7.The nature of the works means no additional overlooking would occur.
8.The proposed alteration to the brick type is minor and would not fundamentally alter the character of the building. The newly proposed brick would still appear in keeping with the host property and would not appear different enough as to be incongruous.
9.No Environmental Statement was submitted within this application.

The proposal conforms to the South Holland District Council's Development Control Procedure Note on Non-Material Amendments criteria and therefore can be classified as a non-material amendment.

Conclusion

The recommendation is for delegated approval.

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.