DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0994-21**	**Applicant:**	**Mr & Mrs Rains**
Proposal:	Part single storey and part two storey extensions to rear of dwelling creating master bedroom & garden room and forming larger kitchen & extension to bedroom 4 - approved under H16-0381-21. Amend flat roof to pitched roof and amend brick type.		
Location:	14 Saxon Close Spalding		
Terminal Date:	20th October 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2021

Section 12 of the National Planning Policy Framework (2021)

12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

PROPOSAL

This is a non-material amendment application at 14 Saxon Close, Spalding for part single storey and part two storey extensions to rear of dwelling creating master bedroom & garden room and forming larger kitchen & extension to bedroom 4 - approved under H16-0381-21. Amend flat roof to pitched roof at 3.7 metres and amend brick type to buff brick. Additionally, brick detailing will be sited above the windows, with the window serving the kitchen increased in width.

SITE DESCRIPTION

The proposal is within defined settlements and the surrounding area is characterised by dwellings of a similar age and design. The site is in Environment Agency Flood Zone 3, and is in a "Danger for All" hazard area, with a maximum flood depth above 2 metres on the 1% 2115 South Holland

Strategic Flood Risk Mapping.

HISTORY

H16-0789-02

Full - Conservatory to existing house - Approved - 28 August 2002.

H16-0701-05

Full - Single-storey extension to front of dwelling - Refused - 29 June 2005.

H16-1339-05

Full - Single-storey extension to front of dwelling - Refused - 24 November 2005. Appeal allowed - 05 April 2005.

H16-0381-21

Full - Part single storey and part two storey extensions to the rear of the dwelling - creating a master bedroom and garden room and forming a larger kitchen and extension to bedroom 4 - Approved - 08 June 2021.

CONSULTATION RESPONSES

N/A.

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:

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. There is a prescriptive condition on the original permission that external materials used should match as closely as possible the existing. This would remain the case for the rear extension but it would be generic similar buff brick due to acknowledged national brick supply issues.
5. The positioning of the building would not be materially altered.
6. There would be no height increase to the building beyond permitted development guidelines for

the garden room, which would be at 3.7 metres though the footprint admittedly projects further than 4 metres from an original rear wall.
7. No potential overlooking issues would arise as the garden room rooflight would be above 2.5 metres in height.
8. The proposal relates a minor change of material and a permitted development alteration to a garden room though the footprint admittedly projects further than 4 metres from an original rear wall.
9. The proposal does not amount to new works or elements not considered by any Environmental Statement submitted with the application.

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.

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.