

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H17-0727-20 **Applicant:** Mrs Webb

Proposal: Proposed two storey side extension including associated works - approved under H17-0367-18. Amendments to make first floor master bedroom wider.

Location: 36 Surfleet Road Surfleet Spalding

Terminal Date: 1st October 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

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

This is a non-material amendment application to increase the internal width of the first floor master bedroom.

Householder planning permission was granted under application ref. H17-0367-18 for proposed two storey side extension including associated works. Subsequent permission was subsequently granted for a non-material amendment for garage conversion to form dining room.

Site Description

The site is at the southern part of the built-up area of Surfleet. Linear pattern development characterises the village along the River Glen and Gosberton Road/Surfleet Road.

The site is a corner plot facing the highway junction between Surfleet Road and Sunnydale Close and it hosts a two-storey detached dwellinghouse. The area is predominantly residential within a wider rural location.

History

H17-0521-20 - Proposed two-storey side extension to dwelling including associated works - Approved under H17-0367-18. Amendments to show conversion of proposed garage to form dining room including new rear dining room - Approved

H17-0367-18 - Proposed two-storey side extension to dwelling, including associated works - Approved

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.

Assessing the application against the above criteria 1-9:

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. The approved plans show a ground floor pent roof extending from the front elevation to the northern side elevation. The proposed enlargement of the first floor master bedroom will entail the removal of this roof element on the northern side elevation and increase upwards the approved ground floor wall. The position, dimensions and layout of the fenestration will remain. No alteration to the external materials. The proposals are minor and do not adversely affect the scale and appearance of the property.
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 building would not be materially altered and the footprint would remain the same;
6. There would be no height increase to the building;
7. No potential overlooking issues would arise;
8. The amendment would not result in a fundamental change to the design of the building;
9. No Environmental Statement was submitted;

Conclusion

Taking into account the considerations above, the amendments comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019; and also Section 12 of the National Planning Policy Framework (NPPF), 2019.

Moreover, the proposed amendments fully meet the criteria set out in South Holland District Council's "Development Control Procedure Note: Non-Material Amendments to Planning Permissions".

It is accordingly recommended to approve this application for a non-material amendment via delegated powers.

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.