DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H21-0242-20**	**Applicant:**	**Mrs E Wilson**
Proposal:	Extension above existing garage in order to accommodate new bedroom with en-suite - approved under H21-0341-19. Amendment to design of roof.		
Location:	La Ville Church Way Tydd St Mary		
Terminal Date:	10th April 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 - Well-designed places

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

The applicant is seeking approval for the following amendments:
- Roof layout amendment to the existing planning permission H21-0341-19

Site Description

The site is located within the settlement boundary for Tydd St Mary as set out in the South East Lincolnshire Local Plan (2019) and the surrounding area is characterised by dwellings of varying ages and design.

History

H21-0341-19 - Extension above existing garage in order to accommodate new bedroom with en-suite- Approved - 20-05-19.

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.

The proposed alterations include:
Amendment of the roof layout, in order to improve look and reduce costs.

Assessing the application against the above criteria:

1. No alterations are proposed to the site boundary;
2. It is considered that the proposal conflicts with policies in the South East Lincolnshire Local Plan, 2019. In design terms, the amended roof design would not be acceptable. The proposal looks incongruous with the existing pyramid hipped roof and doesn't integrate well with the existing property. It therefore conflicts with Policies 2 and 3 with regard to ensuring appropriate design.
3. Concerns were not raised by third parties relating to these matters;
4. No specific conditions were imposed relating to the elements proposed to be altered;
5. The footprint of the building will not be moved materially and will not have a material impact on a neighbour.
6. The height would not be increased;
7. No potential overlooking issues would arise
8. It is considered that the proposal entails a fundamental change to the design of the extension. The previously proposed continuation of the existing hipped roof (as approved) would be abandoned in favour of a lower roof with front gable solely confined to the extension itself. The proposed amendment therefore does not comply with criteria 8.
9. No Environmental Statement was submitted.

Conclusion

Overall, it is considered that the proposed amendment is contrary to South Holland District Council's Development Control Procedure Note Non-Material Amendments to Planning Permission and, as such, is not 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 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 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.