DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H22-0959-20**	**Applicant:**	**Mr & Mrs J Townsend**
Proposal:	Proposed partial demolition, alterations & extension - approved under H22-0597-16. Modification of Condition 2 to allow amendments to previously approved plans		
Location:	16 Broadgate Weston Spalding		
Terminal Date:	21st December 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- Achieving well designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This Section 73a application seeks to make minor amendments to the previously approved planning application, H22-0597-16, on which work has commenced. The two storey element has been constructed. The changes proposed are:

-Slight repositioning of the sunroom and reduction in size;
-Sunroom now to be 4.2m from south east boundary, previously 3.2m;
-Sunroom roof now to be clad in matching tiles to the main house;
-Pushing out of the rear wall of the existing kitchen, resulting in an additional flat roof area between the sunroom and two storey extension.

Site Description

Detached house within an established residential area.

History

H22-0597-16 - Proposed partial demolition, alterations and extension - Approved 21/07/16.

Consultation Responses

None.

Planning Considerations

The key consideration is whether the proposed amendments to the previously approved plans are acceptable. It is considered that the proposed changes are relatively modest and are appropriate to be dealt with as a minor material amendment to the original permission.

The changes are limited to the rear/rear corner of the house. All additional floor space would be to the rear of the dwelling, be single storey and would sit between previously approved extensions. There would be no increase in overall length, width or height of the previously approved scheme. The proposed additional floor space/extension would not be visible from any public vantage points, nor would it overlook neighbouring properties.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The principle of extending this property was established with the granting of the original planning permission in 2016. The changes are considered appropriate as a minor material amendment and do not alter the overall character and appearance of the property or impact upon the amenity of neighbouring properties. It is therefore considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Conclusion

It is considered that the proposed changes are relatively modest and are appropriate as a minor material amendment to the original permission. The recommendation is therefore for a 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.