DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0381-24**	**Applicant:**	**Ms W Taylor**
Proposal:	Single storey flat roof side extension to create porch area. Approved under H23-0044-24. Amendment to remove 4 windows from proposed side extension and upgrade composite cladding to be fire resistant		
Location:	52 Cobgate Whaplode Spalding		
Terminal Date:	24th May 2024		

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 and beautiful places

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This is a non-material amendment application seeking permission to remove four windows from the proposed side extension and upgrade composite cladding to be fire resistant.

Applications must meet set criteria to be able to be completed under a non-material amendment, these are as follows -

1 - There would be no change to the application site boundary and the proposal would be located within it (red line boundary)
2 - The amendment would not conflict with development plan policies or other Government guidance
3 - There would be no conflict with any conditions on the planning permission
4 - The proposal would not make worse any concerns raised by third parties when the original planning permission was considered
5 - The approved footprint/siting of the building will not be moved in any direction by more than 1 metre

6 - The proposal would not result in an extension to development already approved
7 - The height/volume of the building or extension would not be increased or significantly reduced
8 - The amendments must not result in a fundamental change in the design of the building
9 - The change does not amount to new works or elements which have not been considered by any environmental statement submitted with the original application
10 - Amendments to windows/doors/openings must not have any overlooking impact on neighbouring properties
11 - There would be no change to the description of development in respect of number of proposed units

The proposed development is considered to conform with all sections of the above criteria due to the minimal changes that are being carried out, slight concern could be raised for point 10 due to the altering of windows however this will be justified later in the report as to why it is acceptable. Therefore, the use of a non-material amendment is sound.

Site Description

The site is located within the defined settlement boundary of Whaplode as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). The design of the property is identical to other dwellings in the immediate area featuring set back sections on the front elevation. It is made from red brick with a tiled roof and white uPVC windows and doors, other properties are made from similar materials with a difference in brick type/ colour.

History

H23-1009-14 - Proposed extensions - Approved

H23-0044-24 - Single storey flat roof side extension to create porch area - Approved

Consultation Responses

No consultation responses received.

Planning Considerations

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The only two changes that are set to be made under this non-material amendment are the removal of four side elevation windows and the change from facing white uPVC cladding to light grey exterior composite cladding (fire resistant). The whole extension which was approved under the previous application was set to be constructed from the white uPVC cladding and is set to be changed to light grey exterior composite cladding, whilst this cladding does not match the existing dwelling most dwellings in the immediate area feature some form of render plus there is no set design in the area that the development must accord to and therefore the use of this new material is considered to be acceptable. In any case, the majority of the cladding will not be entirely visible from the highway due to its positioning and location.

These revisions are considered to be acceptable and can be carried out under a non-material amendment due to them being fairly minimal and present no harm to the character or locality of the area. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/ Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Due to the nature of the changes there would be no overshadowing as there are no significant external alterations to the property in comparison to what was previously approved. The change on the side elevation is purely for materials plus the removal of four windows, despite the changes to the windows this does not result in any overlooking impact on the direct neighbour due to them removing four windows rather introducing new ones or changing the location, to be read in conjunction with Section 10 of the NMA criteria, and this outlines the development can be carried out on this application. Due to the minute changes taking place it will also not appear overbearing.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, there are no material considerations that weigh significantly against the proposal and as such, the planning balance is in favour of the development.

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.

Conclusion

Taking into consideration these factors, the proposal is considered to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPFF) (December 2023). The are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.