

Delegated Report

Planning Ref: 25/00611/NMA

Applicant: Mr Ian Neale

Ward: Burbage St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Site: Grove House Grove Road Burbage

Proposal: Non-material amendment to planning permission 24/00601/FUL, relating to Plot 5 elevations and floor plans to include changes to the layout, replacement of the garage door with windows, along with changes to windows on the south facing elevation to remove non-opening requirement to the 1st floor windows, and non-opening, obscure glazing requirement to the 2nd floor window.

1. Recommendations

1.1. Grant non-material amendment subject to:

- The original conditions attached to planning permission 24/00601/FUL and amended planning condition 2 (Approved Plans) and condition 7 (Obscure Glazing and Restricted Opening) outlined at the end of this report.

2. Planning application description

2.1. This application seeks a non-material amendment to planning permission 24/00601/FUL, which was for the erection of five dwellings on land to the rear of Grove House, Grove Road, Burbage.

2.2. The proposed non-material amendment includes;

- Replace the garage door with windows;
- Reduce the scale and change the design of the apex windows;
- Alter the design of the sidelights next to the garage door;
- Remove the Velux window to guest bedroom dressing room and replace with three solar panels;
- Remove the solar panel next to master bedroom en-suite Velux;
- Remove the window to the airing cupboard;
- Remove the Velux window to dressing room and insert two Velux windows to gym in new position;
- Remove the door with two full length sidelights and replace with two full length windows to store/lobby;
- Remove the brown strip detailing to garage;
- Remove the solar panels to the north-east side elevation and replacement with single solar panel and Velux window;
- Addition of solar panel to the south-west side elevation
- Alter the first floor south-west windows to be openable but with restricted opening and the second floor window to be openable and non-obscure glazed;
- Remove the garage and insert an additional off-street parking space to the site frontage.

3. Description of the site and surrounding area

- 3.1. The application site comprises what was an area of garden land, now cleared of lawn and in the process of being developed, to the rear of Grove House. It is generally rectangular in shape and was an underused part of the residential curtilage of the property. The proposed site is now separated from the main part of the garden which is immediately to the rear of Grove House.
- 3.2. Site levels are relatively flat with two storey residential properties immediately to the rear (south) and Burbage Methodist Church, which backs on to the south-east corner of the site. There are similarly large, detached dwellings located to the west, along Grove Road. To the north-east, the site is bounded by a public footpath (Wesley Walk), beyond which is Burbage C of E Infant School. With those two exceptions, the area otherwise comprises primarily residential development of varying styles and design. The application site is located within the settlement boundary of Burbage. The eastern boundary of the Burbage Conservation Area is located approximately 50 metres from the proposed access and 80 metres from the north-eastern corner of the proposed site, which shares its boundary with Wesley Walk. A tree preservation order is located to within the neighbouring dwelling, Carlton House, and within the boundary of the access proposed to serve the dwellings (Reference: 96/00011/TPORD).
- 3.3. Grove House is a large dwelling constructed in the 1930s on a plot formerly part of a nursery (part of the Hurst family horticultural business). The dwelling is of high quality with Domestic Revival and Neo-Classical architectural influences, these being typical of dwellings of relatively high status constructed during the inter-war period. The plot also has an extensive width and depth providing it with a large rear garden, this being typical of the former Hurst land along Grove Road as it was sold off for similar single plot developments. For the reasons specified above Grove House has historic and aesthetic value ensuring it is of heritage interest. The original construction is largely unaltered and retains a great deal of integrity. The width of the dwelling, making full use of the plot, accompanied with its position ensures that the building has a visual prominence in the street scene. There is a clear historic and in part aesthetic association with the similar inter-war dwellings along Grove Road which provides Grove House with group value. Such integrity, landmark quality and group value ensures that the local significance of the building is special and it stands out within the surrounding environment. For these reasons the local planning authority identify Grove House as a locally important heritage asset (a non-designated heritage asset in terms of the National Planning Policy Framework), with this assertion being based on assessing the building against the Council's adopted selection criteria for local heritage assets. The building is also identified as being a local heritage asset within the Burbage Neighbourhood Plan.
- 3.4. The site is located close to the centre of Burbage and is therefore well served by the existing infrastructure of the urban centre. There is a bus stop located approximately 150.00 yards from the site and Hinckley train station is within 2.00 miles away of the development.

4. Relevant planning history

87/00876/4

- Residential development to the rear of grove house
- Refused

- 22.09.1987

87/00253/4

- Residential development to the rear of grove house outline
- Refused
- 02.06.1987

98/00107/TPO

- Removal of dead wood and raising of crown of protected horse chestnut
- Permit Tree Preservation Order Works
- 12.03.1998

00/00223/FUL

- Single storey front and rear extensions
- Planning Permission
- 17.04.2000

19/00743/FUL

- Erection of five dwellings with vehicular access and associated parking and garages
- Planning Permission
- 25.10.2019

24/00601/FUL

- Erection of five new dwellings to the rear of Grove House, Grove Road, Burbage, Leicestershire (retrospective)
- Planning Permission
- 22.10.2024

24/01026/DISCON

- Application to discharge conditions 4 (Waste and Recycling), 6 (Materials), 8 (Surface Water Drainage), 9 (Construction Environmental Management Plan), 15 (Electric Vehicle Charging) attached to planning permission 24/00601/FUL
- Discharged
- 24.03.2025

24/01141/DISCON

- Application to discharge condition 12 (Tree Survey) attached to planning permission 24/00601/FUL
- Discharged
- 21.02.2025

Two applications are currently under consideration by the LPA:

25/00562/FUL

- Erection of a single storey garage to replace plot 1 on planning permission 24/00601/FUL

- Pending Consideration
- N/A

25/00567/HOU

- Erection of a two storey side and rear extension and a single storey rear extension and a 3 space garage at rear.
- Pending Consideration
- N/A

5. Publicity/Consultation

- 5.1. A Section 96A application is not an application for a new planning permission and the existing Town and Country Planning (Development Management Procedure) Order (DMPO) provisions (Article 13 and Schedule 5) relating to publicity and statutory consultation do not apply. Therefore, local planning authorities can exercise discretion in whether and how they choose to inform interested parties or seek their views.
- 5.2. In this case no consultees have been notified, but a public consultation to inform interested parties has been undertaken, with one objection being received that in summary states that the proposed removal of the obscure glazing to the second floor window is unacceptable.

6. Policy

- 7.1. Greater Flexibility for Planning Permissions Guidance (non-material amendments) states that the local planning authority must have regard to the effect of the change, together with any previous changes made under this section.
- 7.2. Since the original planning permission was issued there have been no significant changes to the policies within the local development plan or national planning policies that would be material to the outcome of the assessment of the application in this case.
- 7.3. Burbage Neighbourhood Plan 2015-2026
 - Policy 1 Settlement Boundary
 - Policy 2 Design and Layout
 - Policy 4 Parking
 - Policy 9 Wildlife and Green Corridors
 - Policy 12 Important Trees
- 7.4. Core Strategy (2009)
 - Policy 4: Development in Burbage
- 7.5. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM3: Infrastructure and Delivery
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards

7.6. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

7.7. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highways Design Guide (2024)

7. Appraisal

8.1. Key Issues

- Assessment
- Conditions

Assessment

7.2 Section 96A of the Town and Country Planning Act 1990 allows a non-material amendment to be made to an existing planning permission. There is no statutory definition of 'non-material'; this is because it is so dependent on the context of the overall scheme. That which may be non-material in one context may be material in another. It is for the Local Planning Authority to be satisfied that the amendment sought is non-material in order to grant an application under S96A.

7.3 In line with the provisions of Section 96A of the Town and Country Planning Act 1990, the proposed amendment needs to be considered in the context of the overall scheme. With the above in mind, it is necessary to consider what the existing planning permission grants permission for. Planning permission 24/00601/FUL approved the erection of five dwellings on land to the rear of Grove House, Grove Road, Burbage.

7.4 The main issue in respect of this application is whether or not the proposed amendments are considered to be non-material to the approved planning permission with regard to visual appearance and surrounding residential amenity.

7.5 The proposed amendments to the previously approved scheme would not result in any significant or material change to its character, appearance or the site's surrounding amenity when considered against the development originally approved. The amendments are therefore considered to be non-material in the context of the overall scheme.

7.6 The alterations to the fenestration, solar panel arrangements and architectural detailing are not considered to have a significant adverse impact on the character of the surrounding area.

7.7 Regarding the amendments to the south west elevation first and second floor window openings the material nature of this was assessed by way of site inspection on the 7th August 2025. At the time of the site inspection the openings were viewable. The first floor windows would remain obscure glazed, however, the amendment seeks for them to become openable. The amendments include restrictions, the agent has confirmed the windows would be side-hung on the right hand side of the window (when facing the elevation) with the opening restricted to 15° which equates to an opening of approximately 140mm. By virtue of the restricted nature of the openings and retained obscure glazing the amendments would not introduce a material change to the privacy of the neighbouring residents. The second floor rooflight is proposed to be openable and not obscure glazed. By virtue of the height of the rooflight, the angle of views and its location in relation to neighbouring dwellings again this change would not result in additional, material

overlooking to neighbouring residents particularly Carlton House which is adjacent to the plot.

- 7.8 Moreover, the revisions to the internal arrangements such as the reconfiguration of the internal layout is not considered to result in material, nor detrimental impacts to the approved scheme or the surrounding area and sufficient off-street parking provision would be retained.
- 7.9 It is therefore considered that the proposed amendments would be non-material in the context of the development and the impacts upon the overall character, design acceptability or appearance acceptability of the approved scheme, the residential amenity or privacy of any neighbouring occupiers or off-street parking provision to serve the resulting dwelling.

Conditions

- 7.10 Under Section 96A of the Town and Country Planning Act 1990 any decision issued should only relate to the non-material amendments sought and is not a reissue of the original planning permission, which still stands. It is however necessary to determine if additional conditions are required or whether existing conditions need to be removed or altered.
- 7.11 Planning permission 24/00601/FUL was subject to sixteen conditions.
- 7.12 Condition 2 (Approved Plans) would need to be amended to refer to the development being carried out in accordance with the amended/revised proposed plans approved under this non-material amendment.
- 7.13 Condition 3 (Access Arrangements, Parking and Turning) remains reasonable and necessary to ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner and to ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of general highway safety. However, the condition requires amending for Plot 5 only to refer to the amended parking arrangements.
- 7.14 Condition 7 (Obscure Glazing and Restricted Opening) would need to be amended by virtue of this non-material amendment to refer to the development being carried out in accordance with the approved amended/revised proposed plans.
- 7.15 No additional conditions are necessary and the other conditions remain relevant and in place.
- 7.16 By virtue of the above, the proposal is therefore considered acceptable subject to conditions as imposed on application 24/00601/FUL, except the amended conditions detailed below;
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
- Plot 1 Floor Plans Drg No. 198-TAA-XX-ZZ-DR-A-1100-P09
 - Plot 1 Elevations Drg. No. 198-TAA-XX-ZZ-DR-A-1101-P08 as received by the Local Planning Authority on the 14th October 2024.
 - Plot 2 Floor Plans Drg No. 198-TAA-XX-ZZ-DR-A-1200 P07
 - Plot 2 Elevations Drg No. 198-TAA-XX-ZZ-DR-A-1201-P07
 - Plot 2 Garage Plans, Elevations Drg No. 198-TAA-XX-ZZ-DR-A-1202-P05

- Plot 3 Ground, First Floor Plans Drg No. 198-TAA-XX-ZZ-DR-A-1300-P07
 - Plot 3 Roof Plan Drg No. 198-TAA-XX-ZZ-DR-A-1301-P06
 - Plot 3 Elevations Drg No. 198-TAA-XX-ZZ-DR-A-1302-P06
 - Plot 4 Floor Plans Drg No. 198-TAA-XX-ZZ-DR-A-1400-P07
 - Plot 4 Elevations Drg No. 198-TAA-XX-ZZ-DR-A-1401-P06
- all as received by the Local Planning Authority on the 10th October 2024.
- Plot 1, 2, 3 and 4 in accordance with Proposed Site Plan Drg No. 198-TAA-XX-ZZ-DR-A-1000-P08 as received by the Local Planning Authority on the 10th October 2024.
- Plot 5 Proposed Ground Floor Plan, Drg No. 198-TAA-XX-ZZ-DR-A-1500 Rev P07
 - Plot 5 Proposed Roof Plan, Drg No. 198-TAA-XX-ZZ-DR-A-1503 Rev P09
 - Plot 5 Proposed Second Floor Plan, Drg No. 198-TAA-XX-ZZ-DR-A-1502 Rev P010
 - Plot 5 Proposed First Floor Plan, Drg No. 198-TAA-XX-ZZ-DR-A-1501 Rev P011
 - Plot 5 Proposed Front, Rear Elevations, Drg No. 198-TAA-XX-ZZ-DR-A-1510 Rev P09
 - Plot 5 Proposed Side Elevations, Drg No. 198-TAA-XX-ZZ-DR-A-1511 Rev P08
 - Plot 5 Location and Block Plan, Drg No. 198-TAA-XX-ZZ-DR-A-0001-P05
- all as received by the Local Planning Authority on the 29TH July 2025.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. Plots 1, 2, 3 and 4 development hereby permitted shall not be occupied until such time as the access arrangements, parking and turning as shown on 'Proposed Site Plan', drawing number 198-TAA-XX-ZZ-DR-A-1000-P08 have been implemented in full. Plot 5 shall not be occupied until such time as the access arrangements, parking and turning as shown for Plot 5 on 'Location and Block Plan', Drg No. 198-TAA-XX-ZZ-DR-A-0001-P05 have been implemented in full. Once provided, they shall be maintained and made available for use in perpetuity.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner and to ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of general highway safety and in accordance with the National Planning Policy Framework (December 2023).

7. The window situated within the 1st floor landing window in the front elevation of Plot 2, the 1st floor ensuite window in the rear elevation of Plot 1 shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and

non-openable prior to first occupation. Once so provided the windows and any replacement windows shall be permanently maintained as such at all times thereafter.

The windows to the ensuite and bedroom windows within the first floor of the south-west facing side elevation of plot 5 shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale, the windows shall be fitted with a window restrictor allowing for a maximum restricted opening of 15 degrees. Once so provided the windows and window restrictor and replacement windows or window restrictors shall be permanently retained and maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

- 8.1. This non-material amendment should be read in conjunction with the decision notice for 24/00601/FUL.

8. Equality implications

- 8.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 8.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

- 8.3 There are no known equality implications arising directly from this development.

9. Conclusion

- 10.1. In line with the provisions of Section 96A of the Town and Country Planning Act, 1990, it is considered that the proposed amendments to the approved full planning application at land to the rear of Grove House, Grove Road, Burbage, permitted under planning reference 24/00601/FUL are non-material in the context of the overall scheme.
- 10.2. It is considered that the proposed alterations do not have a material impact on the development as a whole and are non-material in the context of the overall scheme.
- 10.3. **This non-material amendment is not a separate planning permission and should be read in conjunction with extant permission 24/00601/FUL.**

10. Recommendation

10.1. Grant non-material amendment subject to:

- The original conditions attached to planning permission 24/00601/FUL except planning condition 2 (Approved Plans) and condition 3 (highways) and condition 7 (Obscure Glazing and Restricted Opening) outlined at the end of this report.

11.1 Conditions and Reasons

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - Plot 1 Floor Plans Drg No. 198-TAA-XX-ZZ-DR-A-1100-P09
 - Plot 1 Elevations Drg. No. 198-TAA-XX-ZZ-DR-A-1101-P08 as received by the Local Planning Authority on the 14th October 2024.
 - Plot 2 Floor Plans Drg No. 198-TAA-XX-ZZ-DR-A-1200 P07
 - Plot 2 Elevations Drg No. 198-TAA-XX-ZZ-DR-A-1201-P07
 - Plot 2 Garage Plans, Elevations Drg No. 198-TAA-XX-ZZ-DR-A-1202-P05
 - Plot 3 Ground, First Floor Plans Drg No. 198-TAA-XX-ZZ-DR-A-1300-P07
 - Plot 3 Roof Plan Drg No. 198-TAA-XX-ZZ-DR-A-1301-P06
 - Plot 3 Elevations Drg No. 198-TAA-XX-ZZ-DR-A-1302-P06
 - Plot 4 Floor Plans Drg No. 198-TAA-XX-ZZ-DR-A-1400-P07
 - Plot 4 Elevations Drg No. 198-TAA-XX-ZZ-DR-A-1401-P06
all as received by the Local Planning Authority on the 10th October 2024.
 - Plot 1, 2, 3 and 4 in accordance with Proposed Site Plan Drg No. 198-TAA-XX-ZZ-DR-A-1000-P08 as received by the Local Planning Authority on the 10th October 2024.
 - Plot 5 Proposed Ground Floor Plan, Drg No. 198-TAA-XX-ZZ-DR-A-1500 Rev P07
 - Plot 5 Proposed Roof Plan, Drg No. 198-TAA-XX-ZZ-DR-A-1503 Rev P09
 - Plot 5 Proposed Second Floor Plan, Drg No. 198-TAA-XX-ZZ-DR-A-1502 Rev P010
 - Plot 5 Proposed First Floor Plan, Drg No. 198-TAA-XX-ZZ-DR-A-1501 Rev P011
 - Plot 5 Proposed Front, Rear Elevations, Drg No. 198-TAA-XX-ZZ-DR-A-1510 Rev P09
 - Plot 5 Proposed Side Elevations, Drg No. 198-TAA-XX-ZZ-DR-A-1511 Rev P08
 - Plot 5 Location and Block Plan, Drg No. 198-TAA-XX-ZZ-DR-A-0001-P05
all as received by the Local Planning Authority on the 29TH July 2025.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. Plots 1, 2, 3 and 4 development hereby permitted shall not be occupied until such time as the access arrangements, parking and turning as shown on 'Proposed Site Plan', drawing number 198-TAA-XX-ZZ-DR-A-1000-P08 have been implemented in full. Plot 5 shall not be occupied until such time as the access arrangements, parking and turning as shown for Plot 5 on 'Location

and Block Plan', Drg No. 198-TAA-XX-ZZ-DR-A-0001-P05 have been implemented in full. Once provided, they shall be maintained and made available for use in perpetuity.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner and to ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of general highway safety and in accordance with the National Planning Policy Framework (December 2023).

7. The window situated within the 1st floor landing window in the front elevation of Plot 2 and the 1st floor ensuite window in the rear elevation of Plot 1 shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable prior to first occupation. Once so provided the windows and any replacement windows shall be permanently maintained as such at all times thereafter.

The window serving the ensuite and window serving the bedroom within the first floor of the south-west facing side elevation of plot 5 shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale, the windows shall be fitted with a window restrictor allowing for a maximum restricted opening of 15 degrees. Once so provided the windows and window restrictors and replacement windows or window restrictors shall be permanently retained and maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).