

Delegated Report

Planning Ref: 25/00853/NMA
Applicant: Amy Middleton
Ward: Fenny Drayton



Hinckley & Bosworth
Borough Council

Site: 18 George Fox Lane, Fenny Drayton

Case officer: Gwion Russell (Planning Officer)

Proposal: Non-material amendment to 25/00105/HOU. Amendment to dormer window on front elevation.

1. Recommendations

1.1. Grant planning permission subject to:

- Previously imposed conditions on planning permission **25/00105/HOU** except condition 2 which will be amended to reflect the amended plans.

2. Planning application description

2.1. This application proposes a non-material amendment to planning permission **25/00105/HOU**, which was for the approval of planning permission to demolish the existing garage and hallway and construct a two-storey side extension, a single-storey rear extension and two dormers at 18 George Fox Lane, Fenny Drayton, using materials matching the existing dwelling.

2.2. The proposed non-material amendment seeks to amend the approved plans by removing the left-most dormer with a projecting gable, leaving the original central dormer and the right-most dormer, originally proposed as part of **25/00105/HOU**.

2.3. The proposed non-material amendments are in accordance with the approved plans previously submitted to the Local Planning Authority on 10th February, 2025:

- Site Location Plan
- Proposed Block Plan
- Proposed Ground Floor Plan – Drawing No. 2
- Proposed First Floor Plan – Drawing No. 3
- Proposed Front Elevation – Drawing No. 4
- Proposed Rear Elevation – Drawing No. 5
- Proposed Left Elevation – Drawing No. 6
- Proposed Right Elevation – Drawing No. 7

3. Description of the site and surrounding area

3.1 The application site is located to the south of Fenny Drayton, within the settlement boundary.

3.2 The application site contains a two-storey detached dwelling with link-attached garage. The dwelling has a pitched roof form and a dormer which sits central to the front elevation. It is constructed using red facing brick with brown roof tiles and brown mock wood style uPVC windows.

3.3 The existing single car garage has a pitched roof with front-facing gable end. It is constructed using red brick with white render and a tiled roof. It has been attached to the dwelling with an enclosed hallway and sitting area.

3.4 There is an established hedgerow running along the frontage of the site and along the western boundary shared with No. 16 George Fox Lane. The boundary treatment along the eastern boundary is shared with No. 20 George Fox Lane and utilises wooden fencing.

3.5 The street scene comprises detached dwellings which are varied in terms of scale and design. Most dwellings in the surrounding area are constructed using brick, with intermittent examples of rendered facades. There is a general consistency in roof form, with gabled roofing and the use of grey or brown roof tiles.

4. Relevant planning history

- **25/00105/HOU**
- Two-storey side and single-storey rear extension
- Permitted
- 02.04.2025

5. Publicity

5.1. No publicity is required for a non-material Section 96A application, and none has been undertaken.

6. Consultation

6.1 A Section 96A application is not an application for a new planning permission, therefore, the existing Town and Country Planning (Development Management Procedure) Order, 2015, provisions outlined in Article 13 and Schedule 5 relating to publicity and statutory consultation do not apply. The Local Planning Authority can exercise discretion in whether and how they choose to inform interested parties or seek their views. In this instance, no publicity or consultations have been undertaken.

7. 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 development plan that would be material to the outcome of the assessment of the application in this case.

8. Appraisal

- 8.1. The key issues in respect of this application are therefore:
- Assessment against strategic planning policies
 - Design and impact upon the character of the area

Assessment against strategic planning policies

8.2 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 Section 96A.

- 8.3 With the above in mind, it is necessary to consider the approved planning application **25/00105/HOU** was for a single-storey rear and two-storey side extension, with matching materials.
- 8.4 The non-material amendment seeks to alter the internal configuration of the proposals by removing the originally proposed W.C. in the front entry room (toward the front elevation of the dwelling), to accommodate a larger entry hallway, without the need for additional property footprint.
- 8.5 The first-floor proposals remain largely in line with the original proposals apart from the void of space the projecting gable roof form and wall will create, which will be utilised as an open landing space, adjacent to the main stairwell.

Design and impact upon the character of the area

- 8.6 The amendments introduce a gable-end projection with no additional depth to the principal elevation (sitting broadly in the existing footprint of the originally proposed left-most dormer). The projecting gable is not dissimilar in size to the originally proposed and approved dormer and is considered minimal in its amended form. The gable-end introduces further 'bulk' to the roof of the dwelling which will be visible from the street, however, the amendments are in the same location as the approved dormer and the previous assessment noted that the house styles along the street already lack a consistent architectural/design theme, and the changes are minor in nature. As such, they do not affect the broader street scene or compromise the overall intended design. The amendments are still minimal in scale and massing and does not pose an incongruous addition to neither the existing nor proposed dwelling.
- 8.7 Furthermore, the proposed amendments do not introduce any additional considerations regarding neighbouring amenity, highways or other material planning considerations.
- 8.8 Therefore on balance, despite the visibility of the amendments given that the changes are limited in additional footprint and scale, they are not considered to be material.

9. Conclusion

- 9.1 Overall, due to the modest nature of the amendments and their limited visual and amenity impact, the changes are considered a non-material amendment.

10. Equality implications

- 10.1 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.

10.2 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.

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

11. Conclusion

11.1 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 plans originally approved under **25/00105/HOU**, are a non-material amendment in the context of the overall scheme and complies with Policy DM10 of the SADMP.

12. Recommendation

Grant Non-Material Amendment subject to:

- Previously imposed conditions on planning permission **25/00105/HOU** except condition 2 which is amended below to reflect the amended plans.

13 Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority, as follows:
 - Proposed Ground Floor Plan - Drg. No 2
 - Proposed First Floor Plan - Drg. No 3
 - Proposed Front Elevation - Drg. No 4
 - Proposed Rear Elevation - Drg. No 5
 - Proposed Side Elevation (Left) - Drg. No 6
 - Proposed Side Elevation (Right) - Drg. No 7
 - Application form
 - All received by the Local Planning Authority on 10/09/25

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

14 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.